

¶106.39 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE:

H.R. 5953. A bill for the relief of Donald W. Sneed, Mary S. Sneed, and Henry C. Best; to the Committee on the Judiciary.

H. Res. 568. Resolution referring the bill (H.R. 5953) for the relief of Donald W. Sneed, Mary S. Sneed, and Henry C. Best, to the chief judge of the U.S. Claims Court; to the Committee on the Judiciary.

¶106.40 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 875: Mr. HAYES of Illinois.  
H.R. 1167: Mr. FROST, Mr. RAY, Mr. ANTHONY, and Mr. FISH.  
H.R. 1541: Mr. STARK.  
H.R. 1791: Mr. SHAYS.  
H.R. 2086: Mr. BLAZ, Mr. LANTOS, Mr. RANGEL, and Mr. SCHIFF.  
H.R. 2413: Mr. ATKINS.  
H.R. 2618: Mr. ROSE.  
H.R. 2815: Mr. TAYLOR of North Carolina.  
H.R. 2872: Mr. SAWYER.  
H.R. 3018: Mr. MFUME.  
H.R. 3020: Mr. MARLENEE.  
H.R. 3122: Mr. ZELIFF.  
H.R. 3126: Mr. NEAL of Massachusetts.  
H.R. 3204: Mr. LANTOS.  
H.R. 3393: Mr. PASTOR.  
H.R. 3517: Mr. HORN, Mrs. UNSOELD, Mr. EVANS, and Mr. TORRES.  
H.R. 3545: Mr. PORTER.  
H.R. 3710: Mr. MANTON.  
H.R. 4130: Mr. FIELDS.  
H.R. 4175: Mr. HAYES of Illinois.  
H.R. 4243: Mrs. KENNELLY.  
H.R. 4275: Mr. RICHARDSON.  
H.R. 4338: Mr. GILLMOR and Mr. GRANDY.  
H.R. 4468: Mr. ROSE.  
H.R. 4498: Mr. MORAN.  
H.R. 4822: Mr. PAYNE of Virginia, Mrs. KENNELLY, Mr. FORD of Tennessee, Mr. MCDERMOTT, Mr. MINETA, and Mr. YATES.  
H.R. 4989: Mr. TOWNS.  
H.R. 5052: Mr. MINETA.  
H.R. 5057: Mr. MCCURDY.  
H.R. 5153: Mr. PACKARD.  
H.R. 5176: Mr. RITTER.  
H.R. 5229: Mr. HERGER, Mr. RAMSTAD, and Mr. LENT.

H.R. 5282: Mr. RAMSTAD.  
H.R. 5289: Mr. GILMAN, Mr. MATSUI, Mr. TORRES, Mr. PICKLE, Mr. ATKINS, Mr. MOLLOHAN, Mr. PAYNE of Virginia, Mr. KOPETSKI, Mrs. KENNELLY, Mr. ESPY, Mr. LEVINE of California, Mr. FORD of Tennessee, Mr. ASPIN, Mrs. MINK, Mr. FLAKE, Mrs. COLLINS of Michigan, Mr. YATES, Mr. HOYER, Mr. BROWN, Mr. HORTON, Mr. SYNAR, Mr. STOKES, Mr. DYMALLY, Mr. NOWAK, Mr. CARR, Ms. DELAURO, and Mr. HYDE.

H.R. 5304: Mr. REED.  
H.R. 5360: Mr. MINETA and Mr. SWIFT.  
H.R. 5375: Mr. BARTON of Texas, Mr. DORGAN of North Dakota, Mr. HEFLEY, and Mr. LANCASTER.  
H.R. 5433: Mr. BARTON of Texas, Mr. HEFLEY, Mr. RAMSTAD, Mr. OBERSTAR, and Mr. WELDON.

H.R. 5437: Mr. HANCOCK.  
H.R. 5539: Mr. ROBERTS, Mr. ALLARD, Mr. BARTON of Texas, Mr. SARPALIS, Mr. EDWARDS of Oklahoma, Mr. MORRISON, Mr. SCHAEFER, Mr. SUNDQUIST, Mr. FEIGHAN, Mr. MYERS of Indiana, Mr. PICKETT, Mr. ENGLISH, Mr. PENNY, Mr. GRANDY, Mr. WELDON, Mr. ARMEY, Mr. SLATTERY, Mr. CLINGER, and Mr. GEREN of Texas.  
H.R. 5545: Mr. SOLOMON.

H.R. 5551: Mr. HANCOCK.  
H.R. 5624: Mr. STUDDS.  
H.R. 5664: Mr. CLINGER and Mr. SHAYS.  
H.R. 5682: Mr. LAGOMARSINO.  
H.R. 5703: Mr. KLUG and Mr. INHOFE.  
H.R. 5743: Mr. LANCASTER.  
H.R. 5777: Mrs. UNSOELD.  
H.R. 5783: Mr. GUARINI, Mr. KILDEE, Mr. HORTON, Mr. LANCASTER, Mr. EVANS, Ms. HORN, and Mr. MCNULTY.  
H.R. 5794: Mrs. UNSOELD.  
H.R. 5832: Mrs. SCHROEDER and Mrs. UNSOELD.  
H.R. 5850: Mr. LEWIS of Florida, Mr. FROST, Mr. GEREN of Texas, Mr. KOLBE, and Mr. KLUG.

H.R. 5872: Mr. GORDON.  
H.R. 5909: Mrs. UNSOELD.  
H.J. Res. 325: Ms. LONG, Ms. DELAURO, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. BROOMFIELD, and Mr. GOODLING.  
H.J. Res. 325: Mr. GILCREST.  
H.J. Res. 353: Mr. VANDER JAGT.  
H.J. Res. 469: Mrs. KENNELLY, Mr. SMITH of Texas, Mr. BRYANT, Mr. OLVER, Mr. MCNULTY, Mr. HALL of Texas, Mr. JONES of Georgia, Mr. NATCHER, Mr. DELLUMS, Mr. MCGRATH, Mr. ANDERSON, Mr. MILLER of California, Mr. HOLLOWAY, Mr. MCEWEN, Mr. CAMP, Mr. RIGGS, Mr. STOKES, Mr. OBEY, Mr. BROOMFIELD, Mr. PACKARD, Mr. ROBERTS, Mr. TORRICELLI, and Mr. BURTON of Indiana.  
H.J. Res. 476: Mr. FORD of Michigan, Mr. MAZZOLI, Mr. MOORHEAD, Mr. COOPER, Mr. EARLY, Mr. MINETA, and Mr. FRANKS of Connecticut.

H.J. Res. 478: Mr. FORD of Michigan, Mr. CLEMENT, Mr. PAYNE of Virginia, and Mr. BEUTER.

H.J. Res. 487: Mr. GILLMOR, Mr. PICKETT, Mr. NATCHER, Mr. MCGRATH, Mr. NEAL of North Carolina, Mrs. MORELLA, Ms. SNOWE, Mr. FORD of Michigan, Mr. MAZZOLI, Mr. HALL of Ohio, Mr. MORAN, Mr. DIXON, Mr. TRAFICANT, Mr. SKELTON, Mr. FRANK of Massachusetts, Ms. LONG, Mr. PRICE, Mr. MINETA, Mr. NOWAK, and Mr. WYDEN.

H.J. Res. 498: Mr. KLUG, Mr. PAYNE of Virginia, and Mr. PETRI.

H.J. Res. 520: Ms. NORTON and Mr. WALSH.  
H.J. Res. 532: Mr. CHANDLER, Mr. FISH, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Georgia, Mr. LIVINGSTON, Mr. GAYDOS, Mr. BACCHUS, Mr. TAUZIN, Mr. SLATTERY, Ms. MOLINARI, Mr. PICKETT, Mr. GILLMOR, Mrs. BENTLEY, Mr. NEAL of North Carolina, Mr. BRYANT, Mrs. COLLINS of Illinois, Mr. CARPER, Mr. MFUME, Mr. GREEN of New York, Mr. LANCASTER, Mr. HYDE, Mr. MCCLOSKEY, Mr. TALLON, Mr. PAYNE of New Jersey, Mr. HARRIS, Mr. MARTIN, Mr. McMILLEN of Maryland, Mr. WELDON, Mr. LEACH, Mr. LEWIS of California, Mr. VISCLOSKEY, Ms. SNOWE, Mr. GINGRICH, Mr. GUNDERSON, Mr. SHAYS, Mr. MILLER of Ohio, Mr. DYMALLY, Mr. WYDEN, Mr. FALEOMAVAEGA, Mr. GILCREST, Mr. RIGGS, Mr. MCCOLLUM, Mrs. BYRON, Mr. WHITTEN, Mr. MILLER of California, Mrs. MORELLA, Mr. DURBIN, Mrs. COLLINS of Michigan, Mr. SANGMEISTER, Mr. VENTO, Mr. MINETA, and Mr. SOLOMON.

H.J. Res. 540: Mr. BUNNING and Mr. WALSH.  
H. Con. Res. 233: Mr. BACCHUS, Mr. LEWIS of California, Mr. FIELDS, Mr. HATCHER, Mr. CRAMER, Mr. MCCLOSKEY, Mr. YOUNG of Florida, Mr. ROGERS, Mr. TAYLOR of North Carolina, and Mr. MCEWEN.  
H. Con. Res. 313: Mr. BILIRAKIS.  
H. Con. Res. 344: Mr. MOAKLEY.  
H. Res. 515: Mr. BEREUTER and Mr. OWENS of Utah.

¶106.41 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3030: Mr. QUILLEN.

THURSDAY, SEPTEMBER 17, 1992 (107)

The House was called to order by the SPEAKER.

¶107.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, September 16, 1992.

Pursuant to clause 1, rule I, the Journal was approved.

¶107.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

4267. A communication from the President of the United States, transmitting an amendment to the fiscal year 1993 request for appropriations for the Department of Defense, the Asian Development Bank, and the Asian Development Fund, pursuant to 31 U.S.C. 1107 (H. Doc. No. 102-391); to the Committee on Appropriations and ordered to be printed.

4268. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to relieve the regulatory burden on depository institutions and credit unions that are doing business or that seek to do business in an emergency or major disaster area, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

4269. A letter from the Secretary of Health and Human Services, transmitting a copy of the 1991 edition of "Health, United States," which presents data in four areas: Costs and financing of health care, distribution of health care resources, and the health of the Nation's people; in addition it contains the fifth triennial "Prevention Profile," pursuant to 42 U.S.C. 242m(a)(2)(A); to the Committee on Energy and Commerce.

4270. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 92-39), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4271. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 92-43), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4272. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 92-41), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4273. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 102-390); to the Committee on Foreign Affairs and ordered to be printed.

4274. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refund of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4275. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting no-

tice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4276. A letter from the Attorney General of the United States, transmitting the annual report for fiscal year 1991 on the private counsel debt collection pilot project, pursuant to 31 U.S.C. 3718(c); to the Committee on the Judiciary.

4277. A letter from the Secretary of the Interior, Secretary of Commerce, transmitting the 11th report on activities of the Department of Interior and the Department of Commerce with respect to the emergency stripped bass research study, pursuant to 16 U.S.C. 757g(b); to the Committee on Merchant Marine and Fisheries.

4278. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4279. A letter from the Secretary, Department of Defense, transmitting the 1992 report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 note; jointly, to the Committees on Armed Services and Foreign Affairs.

4280. A letter from the Deputy Secretary of Energy, transmitting a copy of a report entitled, "Transporting U.S. Oil Imports: The Impact of Oil Spill Legislation on the Tanker Market"; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

#### ¶107.3 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT ON  
S. 12

Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 571):

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read when called up for consideration.

When said resolution was considered.  
After debate,

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER *pro tempore*, Mr. LUKEN, announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared

Yeas .....	263
Nays .....	134

#### ¶107.4 [Roll No. 397]

YEAS—263

Abercrombie	Andrews (NJ)	Bacchus
Ackerman	Andrews (TX)	Bateman
Alexander	Annunzio	Bennett
Anderson	Applegate	Berman
Andrews (ME)	Aspin	Bevill

Bilbray	Horn	Pease
Blackwell	Hoyer	Pelosi
Bonior	Hubbard	Penny
Borski	Hutto	Peterson (FL)
Boucher	Inhofe	Peterson (MN)
Brooks	Jefferson	Petri
Browder	Jenkins	Pickett
Brown	Johnson (SD)	Poshard
Bruce	Johnston	Price
Bryant	Jones	Pursell
Bustamante	Jontz	Quillen
Byron	Kanjorski	Rahall
Callahan	Kaptur	Ramstad
Campbell (CO)	Kasich	Rangel
Cardin	Kennelly	Ravenel
Carper	Kildee	Ray
Carr	Kleczka	Reed
Chapman	Kolter	Rinaldo
Clay	Kopetski	Roe
Clement	Kostmayer	Roemer
Coleman (MO)	LaFalce	Rogers
Coleman (TX)	Lancaster	Rose
Collins (IL)	Lantos	Rostenkowski
Condit	LaRocco	Rowland
Cooper	Laughlin	Roybal
Costello	Lehman (CA)	Russo
Cox (IL)	Lehman (FL)	Sabo
Coyne	Levin (MI)	Sanders
Cramer	Levine (CA)	Sangmeister
Darden	Lewis (GA)	Sarpalius
Davis	Lipinski	Sawyer
de la Garza	Lloyd	Schumer
DeFazio	Long	Serrano
DeLauro	Lowey (NY)	Sharp
Dellums	Luken	Shays
Derrick	Machtley	Sikorski
Dicks	Manton	Sisisky
Dingell	Markey	Skaggs
Dixon	Martinez	Skelton
Donnelly	Matsui	Slattery
Dooley	Mavroules	Slaughter
Dorgan (ND)	Mazzoli	Smith (FL)
Downey	McCloskey	Smith (IA)
Durbin	McCurdy	Spratt
Dwyer	McDermott	Staggers
Dymally	McGrath	Stallings
Eckart	McMillan (NC)	Stark
Edwards (CA)	McMillen (MD)	Stenholm
Edwards (TX)	McNulty	Stokes
Emerson	Mfume	Studds
Erdreich	Michel	Sundquist
Espy	Miller (CA)	Sweet
Evans	Miller (WA)	Swift
Ewing	Mineta	Synar
Fazio	Mink	Tallon
Feighan	Moakley	Tanner
Fields	Mollohan	Tauzin
Flake	Montgomery	Taylor (MS)
Foglietta	Moody	Thomas (GA)
Ford (MI)	Moran	Thornton
Ford (TN)	Morrison	Torres
Frost	Mrazek	Torricelli
Gaydos	Murphy	Trafigant
Gejdenson	Murtha	Unsoeld
Gephardt	Nagle	Valentine
Geren	Natcher	Vento
Gibbons	Neal (MA)	Visclosky
Gilman	Neal (NC)	Volkmer
Glickman	Nowak	Walsh
Gonzalez	Oberstar	Washington
Grandy	Obey	Waxman
Guarini	Olin	Wheat
Gunderson	Olver	Whitten
Hall (OH)	Ortiz	Williams
Hall (TX)	Orton	Wise
Hammerschmidt	Owens (NY)	Wolf
Harris	Pallone	Wolpe
Hatcher	Panetta	Wyden
Hayes (IL)	Parker	Wyllie
Hefner	Pastor	Yates
Henry	Patterson	Yatron
Hoagland	Payne (NJ)	Young (FL)
Hochbrueckner	Payne (VA)	

#### NAYS—134

Allard	Burton	Dreier
Allen	Camp	Duncan
Archer	Campbell (CA)	Edwards (OK)
Armey	Clinger	Fawell
Baker	Coble	Fish
Ballenger	Combust	Frank (MA)
Barrett	Coughlin	Franks (CT)
Barton	Cox (CA)	Galleghy
Bentley	Crane	Gallo
Bereuter	Cunningham	Gekas
Bilirakis	Dannemeyer	Gilchrist
Bliley	DeLay	Gillmor
Boehlert	Dickinson	Gingrich
Boehner	Doolittle	Goodling
Bunning	Dornan (CA)	Goss

Gradison	Lowery (CA)	Santorum
Green	Marlenee	Saxton
Hamilton	Martin	Schaefer
Hancock	McCandless	Schiff
Hansen	McCollum	Schroeder
Hastert	McDade	Schulze
Hefley	McEwen	Sensenbrenner
Herger	Meyers	Shaw
Hobson	Miller (OH)	Shuster
Holloway	Molinari	Skeen
Hopkins	Moorhead	Smith (NJ)
Horton	Myers	Smith (OR)
Houghton	Nichols	Smith (TX)
Hughes	Nussle	Snowe
Hunter	Oaker	Solomon
Hyde	Oxley	Spence
Jacobs	Packard	Stearns
James	Paxon	Stump
Johnson (CT)	Porter	Taylor (NC)
Johnson (TX)	Regula	Thomas (CA)
Klug	Rhodes	Thomas (WY)
Kolbe	Richardson	Upton
Kyl	Ridge	Vander Jagt
Lagomarsino	Riggs	Vucanovich
Leach	Ritter	Walker
Lent	Roberts	Weldon
Lewis (CA)	Rohrabacher	Wilson
Lewis (FL)	Ros-Lehtinen	Zeliff
Lightfoot	Roth	Zimmer
Livingston	Roukema	

#### NOT VOTING—35

Anthony	Engel	Owens (UT)
Atkins	English	Perkins
AuCoin	Fascell	Pickle
Barnard	Gordon	Savage
Beilenson	Hayes (LA)	Scheuer
Boxer	Hertel	Solarz
Brewster	Huckaby	Towns
Broomfield	Ireland	Traxler
Chandler	Kennedy	Waters
Collins (MI)	McCrery	Weber
Conyers	McHugh	Young (AK)
Early	Morella	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

#### ¶107.5 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4551. An Act to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under that Act, and for other purposes.

The message also announced that the Senate disagreed to the amendments of the House to the bill (S. 2532), an Act entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act," agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and appointed from the Committee on Foreign Relations: Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. CRANSTON, Mr. LUGAR, Mrs. KASSEBAUM, and Mr. PRESSLER; from the Committee on Agriculture, Nutrition, and Forestry for matters solely within their jurisdiction: Mr. LEAHY, Mr. KERREY, and Mr. LUGAR; from the Committee on Banking, Housing, and Urban Affairs, for matters solely within their jurisdiction and for matters within the shared jurisdiction of that committee and the Foreign Relations Committee: Mr. RIEGLE, Mr. SARBANES, and Mr. GARN; to be the conferees on the part of the Senate.

# 107.6 SUBMISSION OF CONFERENCE REPORT—S. 2344

Mr. MONTGOMERY submitted a conference report (Rept. No. 102-871) on the bill of the Senate (S. 2344) to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

# 107.7 CABLE TELEVISION CONSUMER PROTECTION

Mr. MARKEY called up the following conference report (Rept. No. 102-862):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 12), to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Cable Television Consumer Protection and Competition Act of 1992".

## SEC. 2. FINDINGS; POLICY; DEFINITIONS.

(a) FINDINGS.—The Congress finds and declares the following:

(1) Pursuant to the Cable Communications Policy Act of 1984, rates for cable television services have been deregulated in approximately 97 percent of all franchises since December 29, 1986. Since rate deregulation, monthly rates for the lowest priced basic cable service have increased by 40 percent or more for 28 percent of cable television subscribers. Although the average number of basic channels has increased from about 24 to 30, average monthly rates have increased by 29 percent during the same period. The average monthly cable rate has increased almost 3 times as much as the Consumer Price Index since rate deregulation.

(2) For a variety of reasons, including local franchising requirements and the extraordinary expense of constructing more than one cable television system to serve a particular geographic area, most cable television subscribers have no opportunity to select between competing cable systems. Without the presence of another multichannel video programming distributor, a cable system faces no local competition. The result is undue market power for the cable operator as compared to that of consumers and video programmers.

(3) There has been a substantial increase in the penetration of cable television systems over the past decade. Nearly 56,000,000 households, over 60 percent of the households with televisions, subscribe to cable television, and this percentage is almost certain to increase. As a result of this growth, the cable television industry has become a dominant nationwide video medium.

(4) The cable industry has become highly concentrated. The potential effects of such concentration are barriers to entry for new programmers and a reduction in the number of media voices available to consumers.

(5) The cable industry has become vertically integrated; cable operators and cable

programmers often have common ownership. As a result, cable operators have the incentive and ability to favor their affiliated programmers. This could make it more difficult for noncable-affiliated programmers to secure carriage on cable systems. Vertically integrated program suppliers also have the incentive and ability to favor their affiliated cable operators over nonaffiliated cable operators and programming distributors using other technologies.

(6) There is a substantial governmental and First Amendment interest in promoting a diversity of views provided through multiple technology media.

(7) There is a substantial governmental and First Amendment interest in ensuring that cable subscribers have access to local noncommercial educational stations which Congress has authorized, as expressed in section 396(a)(5) of the Communications Act of 1934. The distribution of unique noncommercial, educational programming services advances that interest.

(8) The Federal Government has a substantial interest in making all nonduplicative local public television services available on cable systems because—

(A) public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;

(B) public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of \$10,800,000,000 since 1972, that provides public service programming that is responsive to the needs and interests of the local community;

(C) the Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than \$3,000,000,000 in public broadcasting since 1969; and

(D) absent carriage requirements there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.

(9) The Federal Government has a substantial interest in having cable systems carry the signals of local commercial television stations because the carriage of such signals is necessary to serve the goals contained in section 307(b) of the Communications Act of 1934 of providing a fair, efficient, and equitable distribution of broadcast services.

(10) A primary objective and benefit of our Nation's system of regulation of television broadcasting is the local origination of programming. There is a substantial governmental interest in ensuring its continuation.

(11) Broadcast television stations continue to be an important source of local news and public affairs programming and other local broadcast services critical to an informed electorate.

(12) Broadcast television programming is supported by revenues generated from advertising broadcast over stations. Such programming is otherwise free to those who own television sets and do not require cable transmission to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable to afford other means of receiving programming.

(13) As a result of the growth of cable television, there has been a marked shift in market share from broadcast television to cable television services.

(14) Cable television systems and broadcast television stations increasingly compete for television advertising revenues. As the proportion of households subscribing to cable television increases, proportionately more

advertising revenues will be reallocated from broadcast to cable television systems.

(15) A cable television system which carries the signal of a local television broadcaster is assisting the broadcaster to increase its viewership, and thereby attract additional advertising revenues that otherwise might be earned by the cable system operator. As a result, there is an economic incentive for cable systems to terminate the retransmission of the broadcast signal, refuse to carry new signals, or reposition a broadcast signal to a disadvantageous channel position. There is a substantial likelihood that absent the reimposition of such a requirement, additional local broadcast signals will be deleted, repositioned, or not carried.

(16) As a result of the economic incentive that cable systems have to delete, reposition, or not carry local broadcast signals, coupled with the absence of a requirement that such systems carry local broadcast signals, the economic viability of free local broadcast television and its ability to originate quality local programming will be seriously jeopardized.

(17) Consumers who subscribe to cable television often do so to obtain local broadcast signals which they otherwise would not be able to receive, or to obtain improved signals. Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services. The regulatory system created by the Cable Communications Policy Act of 1984 was premised upon the continued existence of mandatory carriage obligations for cable systems, ensuring that local stations would be protected from anticompetitive conduct by cable systems.

(18) Cable television systems often are the single most efficient distribution system for television programming. A Government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the "A/B" input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

(19) At the same time, broadcast programming that is carried remains the most popular programming on cable systems, and a substantial portion of the benefits for which consumers pay cable systems is derived from carriage of the signals of network affiliates, independent television stations, and public television stations. Also cable programming placed on channels adjacent to popular off-the-air signals obtains a larger audience than on other channel positions. Cable systems, therefore, obtain great benefits from local broadcast signals which, until now, they have been able to obtain without the consent of the broadcaster or any copyright liability. This has resulted in an effective subsidy of the development of cable systems by local broadcasters. While at one time, when cable systems did not attempt to compete with local broadcasters for programming, audience, and advertising, this subsidy may have been appropriate, it is so no longer and results in a competitive imbalance between the 2 industries.

(20) The Cable Communications Policy Act of 1984, in its amendments to the Communications Act of 1934, limited the regulatory authority of franchising authorities over cable operators. Franchising authorities are finding it difficult under the current regulatory scheme to deny renewals to cable systems that are not adequately serving cable subscribers.

(21) Cable systems should be encouraged to carry low-power television stations licensed to the communities served by those systems

where the low-power station creates and broadcasts, as a substantial part of its programming day, local programming.

(b) STATEMENT OF POLICY.—It is the policy of the Congress in this Act to—

(1) promote the availability to the public of a diversity of views and information through cable television and other video distribution media;

(2) rely on the marketplace, to the maximum extent feasible, to achieve that availability;

(3) ensure that cable operators continue to expand, where economically justified, their capacity and the programs offered over their cable systems;

(4) where cable television systems are not subject to effective competition, ensure that consumer interests are protected in receipt of cable service; and

(5) ensure that cable television operators do not have undue market power vis-a-vis video programmers and consumers.

(c) DEFINITIONS.—Section 602 of the Communications Act of 1934 (47 U.S.C. 531) is amended—

(1) by redesignating paragraph (16) as paragraph (19);

(2) by striking “and” at the end of paragraph (15);

(3) by redesignating paragraphs (11) through (15) as paragraphs (13) through (17), respectively;

(4) by redesignating paragraphs (1) through (10) as paragraphs (2) through (11), respectively;

(5) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) the term ‘activated channels’ means those channels engineered at the headend of a cable system for the provision of services generally available to residential subscribers of the cable system, regardless of whether such services actually are provided, including any channel designated for public, educational, or governmental use;”;

(6) by inserting after paragraph (11) (as so redesignated) the following new paragraph:

“(12) the term ‘multichannel video programming distributor’ means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming;”;

(7) by inserting after paragraph (17) (as so redesignated) the following new paragraph:

“(18) the term ‘usable activated channels’ means activated channels of a cable system, except those channels whose use for the distribution of broadcast signals would conflict with technical and safety regulations as determined by the Commission; and”.

### SEC. 3. REGULATION OF RATES.

(a) AMENDMENT.—Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended to read as follows:

#### “SEC. 623. REGULATION OF RATES.

“(a) COMPETITION PREFERENCE; LOCAL AND FEDERAL REGULATION.—

“(1) IN GENERAL.—No Federal agency or State may regulate the rates for the provision of cable service except to the extent provided under this section and section 612. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section. No Federal agency, State, or franchising authority may regulate the rates for cable service of a cable system that is owned or operated by a local government or franchising authority within whose jurisdiction that cable system is located and that is the only cable system located within such jurisdiction.

“(2) PREFERENCE FOR COMPETITION.—If the Commission finds that a cable system is subject to effective competition, the rates for the provision of cable service by such system shall not be subject to regulation by the Commission or by a State or franchising authority under this section. If the Commission finds that a cable system is not subject to effective competition—

“(A) the rates for the provision of basic cable service shall be subject to regulation by a franchising authority, or by the Commission if the Commission exercises jurisdiction pursuant to paragraph (6), in accordance with the regulations prescribed by the Commission under subsection (b); and

“(B) the rates for cable programming services shall be subject to regulation by the Commission under subsection (c).

“(3) QUALIFICATION OF FRANCHISING AUTHORITY.—A franchising authority that seeks to exercise the regulatory jurisdiction permitted under paragraph (2)(A) shall file with the Commission a written certification that—

“(A) the franchising authority will adopt and administer regulations with respect to the rates subject to regulation under this section that are consistent with the regulations prescribed by the Commission under subsection (b);

“(B) the franchising authority has the legal authority to adopt, and the personnel to administer, such regulations; and

“(C) procedural laws and regulations applicable to rate regulation proceedings by such authority provide a reasonable opportunity for consideration of the views of interested parties.

“(4) APPROVAL BY COMMISSION.—A certification filed by a franchising authority under paragraph (3) shall be effective 30 days after the date on which it is filed unless the Commission finds, after notice to the authority and a reasonable opportunity for the authority to comment, that—

“(A) the franchising authority has adopted or is administering regulations with respect to the rates subject to regulation under this section that are not consistent with the regulations prescribed by the Commission under subsection (b);

“(B) the franchising authority does not have the legal authority to adopt, or the personnel to administer, such regulations; or

“(C) procedural laws and regulations applicable to rate regulation proceedings by such authority do not provide a reasonable opportunity for consideration of the views of interested parties.

If the Commission disapproves a franchising authority's certification, the Commission shall notify the franchising authority of any revisions or modifications necessary to obtain approval.

“(5) REVOCATION OF JURISDICTION.—Upon petition by a cable operator or other interested party, the Commission shall review the regulation of cable system rates by a franchising authority under this subsection. A copy of the petition shall be provided to the franchising authority by the person filing the petition. If the Commission finds that the franchising authority has acted inconsistently with the requirements of this subsection, the Commission shall grant appropriate relief. If the Commission, after the franchising authority has had a reasonable opportunity to comment, determines that the State and local laws and regulations are not in conformance with the regulations prescribed by the Commission under subsection (b), the Commission shall revoke the jurisdiction of such authority.

“(6) EXERCISE OF JURISDICTION BY COMMISSION.—If the Commission disapproves a franchising authority's certification under paragraph (4), or revokes such authority's juris-

diction under paragraph (5), the Commission shall exercise the franchising authority's regulatory jurisdiction under paragraph (2)(A) until the franchising authority has qualified to exercise that jurisdiction by filing a new certification that meets the requirements of paragraph (3). Such new certification shall be effective upon approval by the Commission. The Commission shall act to approve or disapprove any such new certification within 90 days after the date it is filed.

“(b) ESTABLISHMENT OF BASIC SERVICE TIER RATE REGULATIONS.—

“(1) COMMISSION OBLIGATION TO SUBSCRIBERS.—The Commission shall, by regulation, ensure that the rates for the basic service tier are reasonable. Such regulations shall be designed to achieve the goal of protecting subscribers of any cable system that is not subject to effective competition from rates for the basic service tier that exceed the rates that would be charged for the basic service tier if such cable system were subject to effective competition.

“(2) COMMISSION REGULATIONS.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall prescribe, and periodically thereafter revise, regulations to carry out its obligations under paragraph (1). In prescribing such regulations, the Commission—

“(A) shall seek to reduce the administrative burdens on subscribers, cable operators, franchising authorities, and the Commission;

“(B) may adopt formulas or other mechanisms and procedures in complying with the requirements of subparagraph (A); and

“(C) shall take into account the following factors:

“(i) the rates for cable systems, if any, that are subject to effective competition;

“(ii) the direct costs (if any) of obtaining, transmitting, and otherwise providing signals carried on the basic service tier, including signals and services carried on the basic service tier pursuant to paragraph (7)(B), and changes in such costs;

“(iii) only such portion of the joint and common costs (if any) of obtaining, transmitting, and otherwise providing such signals as is determined, in accordance with regulations prescribed by the Commission, to be reasonably and properly allocable to the basic service tier, and changes in such costs;

“(iv) the revenues (if any) received by a cable operator from advertising from programming that is carried as part of the basic service tier or from other consideration obtained in connection with the basic service tier;

“(v) the reasonably and properly allocable portion of any amount assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers or any other fee, tax, or assessment of general applicability imposed by a governmental entity applied against cable operators or cable subscribers;

“(vi) any amount required, in accordance with paragraph (4), to satisfy franchise requirements to support public, educational, or governmental channels or the use of such channels or any other services required under the franchise; and

“(vii) a reasonable profit, as defined by the Commission consistent with the Commission's obligations to subscribers under paragraph (1).

“(3) EQUIPMENT.—The regulations prescribed by the Commission under this subsection shall include standards to establish, on the basis of actual cost, the price or rate for—

“(A) installation and lease of the equipment used by subscribers to receive the basic service tier, including a converter box and a

remote control unit and, if requested by the subscriber, such addressable converter box or other equipment as is required to access programming described in paragraph (8); and

"(B) installation and monthly use of connections for additional television receivers.

"(4) COSTS OF FRANCHISE REQUIREMENTS.—The regulations prescribed by the Commission under this subsection shall include standards to identify costs attributable to satisfying franchise requirements to support public, educational, and governmental channels or the use of such channels or any other services required under the franchise.

"(5) IMPLEMENTATION AND ENFORCEMENT.—The regulations prescribed by the Commission under this subsection shall include additional standards, guidelines, and procedures concerning the implementation and enforcement of such regulations, which shall include—

"(A) procedures by which cable operators may implement and franchising authorities may enforce the regulations prescribed by the Commission under this subsection;

"(B) procedures for the expeditious resolution of disputes between cable operators and franchising authorities concerning the administration of such regulations;

"(C) standards and procedures to prevent unreasonable charges for changes in the subscriber's selection of services or equipment subject to regulation under this section, which standards shall require that charges for changing the service tier selected shall be based on the cost of such change and shall not exceed nominal amounts when the system's configuration permits changes in service tier selection to be effected solely by coded entry on a computer terminal or by other similarly simple method; and

"(D) standards and procedures to assure that subscribers receive notice of the availability of the basic service tier required under this section.

"(6) NOTICE.—The procedures prescribed by the Commission pursuant to paragraph (5)(A) shall require a cable operator to provide 30 days' advance notice to a franchising authority of any increase proposed in the price to be charged for the basic service tier.

"(7) COMPONENTS OF BASIC TIER SUBJECT TO RATE REGULATION.—

"(A) MINIMUM CONTENTS.—Each cable operator of a cable system shall provide its subscribers a separately available basic service tier to which subscription is required for access to any other tier of service. Such basic service tier shall, at a minimum, consist of the following:

"(i) All signals carried in fulfillment of the requirements of sections 614 and 615.

"(ii) Any public, educational, and governmental access programming required by the franchise of the cable system to be provided to subscribers.

"(iii) Any signal of any television broadcast station that is provided by the cable operator to any subscriber, except a signal which is secondarily transmitted by a satellite carrier beyond the local service area of such station.

"(B) PERMITTED ADDITIONS TO BASIC TIER.—A cable operator may add additional video programming signals or services to the basic service tier. Any such additional signals or services provided on the basic service tier shall be provided to subscribers at rates determined under the regulations prescribed by the Commission under this subsection.

"(8) BUY-THROUGH OF OTHER TIERS PROHIBITED.—

"(A) PROHIBITION.—A cable operator may not require the subscription to any tier other than the basic service tier required by paragraph (7) as a condition of access to video programming offered on a per channel or per program basis. A cable operator may not discriminate between subscribers to the

basic service tier and other subscribers with regard to the rates charged for video programming offered on a per channel or per program basis.

"(B) EXCEPTION; LIMITATION.—The prohibition in subparagraph (A) shall not apply to a cable system that, by reason of the lack of addressable converter boxes or other technological limitations, does not permit the operator to offer programming on a per channel or per program basis in the same manner required by subparagraph (A). This subparagraph shall not be available to any cable operator after—

"(i) the technology utilized by the cable system is modified or improved in a way that eliminates such technological limitation; or

"(ii) 10 years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, subject to subparagraph (C).

"(C) WAIVER.—If, in any proceeding initiated at the request of any cable operator, the Commission determines that compliance with the requirements of subparagraph (A) would require the cable operator to increase its rates, the Commission may, to the extent consistent with the public interest, grant such cable operator a waiver from such requirements for such specified period as the Commission determines reasonable and appropriate.

"(c) REGULATION OF UNREASONABLE RATES.—

"(1) COMMISSION REGULATIONS.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall, by regulation, establish the following:

"(A) criteria prescribed in accordance with paragraph (2) for identifying, in individual cases, rates for cable programming services that are unreasonable;

"(B) fair and expeditious procedures for the receipt, consideration, and resolution of complaints from any subscriber, franchising authority, or other relevant State or local government entity alleging that a rate for cable programming services charged by a cable operator violates the criteria prescribed under subparagraph (A), which procedures shall include the minimum showing that shall be required for a complaint to obtain Commission consideration and resolution of whether the rate in question is unreasonable; and

"(C) the procedures to be used to reduce rates for cable programming services that are determined by the Commission to be unreasonable and to refund such portion of the rates or charges that were paid by subscribers after the filing of such complaint and that are determined to be unreasonable.

"(2) FACTORS TO BE CONSIDERED.—In establishing the criteria for determining in individual cases whether rates for cable programming services are unreasonable under paragraph (1)(A), the Commission shall consider, among other factors—

"(A) the rates for similarly situated cable systems offering comparable cable programming services, taking into account similarities in facilities, regulatory and governmental costs, the number of subscribers, and other relevant factors;

"(B) the rates for cable systems, if any, that are subject to effective competition;

"(C) the history of the rates for cable programming services of the system, including the relationship of such rates to changes in general consumer prices;

"(D) the rates, as a whole, for all the cable programming, cable equipment, and cable services provided by the system, other than programming provided on a per channel or per program basis;

"(E) capital and operating costs of the cable system, including the quality and costs

of the customer service provided by the cable system; and

"(F) the revenues (if any) received by a cable operator from advertising from programming that is carried as part of the service for which a rate is being established, and changes in such revenues, or from other consideration obtained in connection with the cable programming services concerned.

"(3) LIMITATION ON COMPLAINTS CONCERNING EXISTING RATES.—Except during the 180-day period following the effective date of the regulations prescribed by the Commission under paragraph (1), the procedures established under subparagraph (B) of such paragraph shall be available only with respect to complaints filed within a reasonable period of time following a change in rates that is initiated after that effective date, including a change in rates that results from a change in that system's service tiers.

"(d) UNIFORM RATE STRUCTURE REQUIRED.—A cable operator shall have a rate structure, for the provision of cable service, that is uniform throughout the geographic area in which cable service is provided over its cable system.

"(e) DISCRIMINATION; SERVICES FOR THE HEARING IMPAIRED.—Nothing in this title shall be construed as prohibiting any Federal agency, State, or a franchising authority from—

"(1) prohibiting discrimination among subscribers and potential subscribers to cable service, except that no Federal agency, State, or franchising authority may prohibit a cable operator from offering reasonable discounts to senior citizens or other economically disadvantaged group discounts; or

"(2) requiring and regulating the installation or rental of equipment which facilitates the reception of cable service by hearing impaired individuals.

"(f) NEGATIVE OPTION BILLING PROHIBITED.—A cable operator shall not charge a subscriber for any service or equipment that the subscriber has not affirmatively requested by name. For purposes of this subsection, a subscriber's failure to refuse a cable operator's proposal to provide such service or equipment shall not be deemed to be an affirmative request for such service or equipment.

"(g) COLLECTION OF INFORMATION.—The Commission shall, by regulation, require cable operators to file with the Commission or a franchising authority, as appropriate, within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992 and annually thereafter, such financial information as may be needed for purposes of administering and enforcing this section.

"(h) PREVENTION OF EVASIONS.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall, by regulation, establish standards, guidelines, and procedures to prevent evasions, including evasions that result from retiering, of the requirements of this section and shall, thereafter, periodically review and revise such standards, guidelines, and procedures.

"(i) SMALL SYSTEM BURDENS.—In developing and prescribing regulations pursuant to this section, the Commission shall design such regulations to reduce the administrative burdens and cost of compliance for cable systems that have 1,000 or fewer subscribers.

"(j) RATE REGULATION AGREEMENTS.—During the term of an agreement made before July 1, 1990, by a franchising authority and a cable operator providing for the regulation of basic cable service rates, where there was not effective competition under Commission rules in effect on that date, nothing in this section (or the regulations thereunder) shall abridge the ability of such franchising au-

thority to regulate rates in accordance with such an agreement.

"(k) REPORTS ON AVERAGE PRICES.—The Commission shall annually publish statistical reports on the average rates for basic cable service and other cable programming, and for converter boxes, remote control units, and other equipment, of—

"(1) cable systems that the Commission has found are subject to effective competition under subsection (a)(2), compared with

"(2) cable systems that the Commission has found are not subject to such effective competition.

"(l) DEFINITIONS.—As used in this section—

"(1) The term 'effective competition' means that—

"(A) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system;

"(B) the franchise area is—

"(i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and

"(ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area; or

"(C) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in that franchise area.

"(2) The term 'cable programming service' means any video programming provided over a cable system, regardless of service tier, including installation or rental of equipment used for the receipt of such video programming, other than (A) video programming carried on the basic service tier, and (B) video programming offered on a per channel or per program basis."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act, except that the authority of the Federal Communications Commission to prescribe regulations is effective on such date of enactment.

#### SEC. 4. CARRIAGE OF LOCAL COMMERCIAL TELEVISION SIGNALS.

Part II of title VI of the Communications Act of 1934 is amended by inserting after section 613 (47 U.S.C. 533) the following new section:

##### "SEC. 614. CARRIAGE OF LOCAL COMMERCIAL TELEVISION SIGNALS.

"(a) CARRIAGE OBLIGATIONS.—Each cable operator shall carry, on the cable system of that operator, the signals of local commercial television stations and qualified low power stations as provided by this section. Carriage of additional broadcast television signals on such system shall be at the discretion of such operator, subject to section 325(b).

"(b) SIGNALS REQUIRED.—

"(1) IN GENERAL.—(A) A cable operator of a cable system with 12 or fewer usable activated channels shall carry the signals of at least three local commercial television stations, except that if such a system has 300 or fewer subscribers, it shall not be subject to any requirements under this section so long as such system does not delete from carriage by that system any signal of a broadcast television station.

"(B) A cable operator of a cable system with more than 12 usable activated channels shall carry the signals of local commercial television stations, up to one-third of the aggregate number of usable activated channels of such system.

"(2) SELECTION OF SIGNALS.—Whenever the number of local commercial television sta-

tions exceeds the maximum number of signals a cable system is required to carry under paragraph (1), the cable operator shall have discretion in selecting which such stations shall be carried on its cable system, except that—

"(A) under no circumstances shall a cable operator carry a qualified low power station in lieu of a local commercial television station; and

"(B) if the cable operator elects to carry an affiliate of a broadcast network (as such term is defined by the Commission by regulation), such cable operator shall carry the affiliate of such broadcast network whose city of license reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (in effect on January 1, 1991), or any successor regulation thereto, is closest to the principal headend of the cable system.

"(3) CONTENT TO BE CARRIED.—(A) A cable operator shall carry in its entirety, on the cable system of that operator, the primary video, accompanying audio, and line 21 closed caption transmission of each of the local commercial television stations carried on the cable system and, to the extent technically feasible, program-related material carried in the vertical blanking interval or on subcarriers. Retransmission of other material in the vertical blanking interval or other nonprogram-related material (including teletext and other subscription and advertiser-supported information services) shall be at the discretion of the cable operator. Where appropriate and feasible, operators may delete signal enhancements, such as ghost-canceling, from the broadcast signal and employ such enhancements at the system headend or headends.

"(B) The cable operator shall carry the entirety of the program schedule of any television station carried on the cable system unless carriage of specific programming is prohibited, and other programming authorized to be substituted, under section 76.67 or subpart F of part 76 of title 47, Code of Federal Regulations (as in effect on January 1, 1991), or any successor regulations thereto.

"(4) SIGNAL QUALITY.—

"(A) NONDEGRADATION; TECHNICAL SPECIFICATIONS.—The signals of local commercial television stations that a cable operator carries shall be carried without material degradation. The Commission shall adopt carriage standards to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of local commercial television stations will be no less than that provided by the system for carriage of any other type of signal.

"(B) ADVANCED TELEVISION.—At such time as the Commission prescribes modifications of the standards for television broadcast signals, the Commission shall initiate a proceeding to establish any changes in the signal carriage requirements of cable television systems necessary to ensure cable carriage of such broadcast signals of local commercial television stations which have been changed to conform with such modified standards.

"(5) DUPLICATION NOT REQUIRED.—Notwithstanding paragraph (1), a cable operator shall not be required to carry the signal of any local commercial television station that substantially duplicates the signal of another local commercial television station which is carried on its cable system, or to carry the signals of more than one local commercial television station affiliated with a particular broadcast network (as such term is defined by regulation). If a cable operator elects to carry on its cable system a signal which substantially duplicates the signal of another local commercial television station carried on the cable system, or to carry on its system the signals of more than one local com-

mercial television station affiliated with a particular broadcast network, all such signals shall be counted toward the number of signals the operator is required to carry under paragraph (1).

"(6) CHANNEL POSITIONING.—Each signal carried in fulfillment of the carriage obligations of a cable operator under this section shall be carried on the cable system channel number on which the local commercial television station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, or on the channel on which it was carried on January 1, 1992, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the cable operator. Any dispute regarding the positioning of a local commercial television station shall be resolved by the Commission.

"(7) SIGNAL AVAILABILITY.—Signals carried in fulfillment of the requirements of this section shall be provided to every subscriber of a cable system. Such signals shall be viewable via cable on all television receivers of a subscriber which are connected to a cable system by a cable operator or for which a cable operator provides a connection. If a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers at rates in accordance with section 623(b)(3).

"(8) IDENTIFICATION OF SIGNALS CARRIED.—A cable operator shall identify, upon request by any person, the signals carried on its system in fulfillment of the requirements of this section.

"(9) NOTIFICATION.—A cable operator shall provide written notice to a local commercial television station at least 30 days prior to either deleting from carriage or repositioning that station. No deletion or repositioning of a local commercial television station shall occur during a period in which major television ratings services measure the size of audiences of local television stations. The notification provisions of this paragraph shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section.

"(10) COMPENSATION FOR CARRIAGE.—A cable operator shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local commercial television stations in fulfillment of the requirements of this section or for the channel positioning rights provided to such stations under this section, except that—

"(A) any such station may be required to bear the costs associated with delivering a good quality signal or a baseband video signal to the principal headend of the cable system;

"(B) a cable operator may accept payments from stations which would be considered distant signals under section 111 of title 17, United States Code, as indemnification for any increased copyright liability resulting from carriage of such signal; and

"(C) a cable operator may continue to accept monetary payment or other valuable consideration in exchange for carriage or channel positioning of the signal of any local commercial television station carried in fulfillment of the requirements of this section, through, but not beyond, the date of expiration of an agreement thereon between a cable operator and a local commercial tele-

vision station entered into prior to June 26, 1990.

“(c) LOW POWER STATION CARRIAGE OBLIGATION.—

“(1) REQUIREMENT.—If there are not sufficient signals of full power local commercial television stations to fill the channels set aside under subsection (b)—

“(A) a cable operator of a cable system with a capacity of 35 or fewer usable activated channels shall be required to carry one qualified low power station; and

“(B) a cable operator of a cable system with a capacity of more than 35 usable activated channels shall be required to carry two qualified low power stations.

“(2) USE OF PUBLIC, EDUCATIONAL, OR GOVERNMENTAL CHANNELS.—A cable operator required to carry more than one signal of a qualified low power station under this subsection may do so, subject to approval by the franchising authority pursuant to section 611, by placing such additional station on public, educational, or governmental channels not in use for their designated purposes.

“(d) REMEDIES.—

“(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a local commercial television station believes that a cable operator has failed to meet its obligations under this section, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or has otherwise failed to comply with the channel positioning or repositioning or other requirements of this section. The cable operator shall, within 30 days of such written notification, respond in writing to such notification and either commence to carry the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning and repositioning and other requirements of this section. A local commercial television station that is denied carriage or channel positioning or repositioning in accordance with this section by a cable operator may obtain review of such denial by filing a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to meet its obligations and the basis for such allegations.

“(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section.

“(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed, the Commission shall determine whether the cable operator has met its obligations under this section. If the Commission determines that the cable operator has failed to meet such obligations, the Commission shall order the cable operator to reposition the complaining station or, in the case of an obligation to carry a station, to commence carriage of the station and to continue such carriage for at least 12 months. If the Commission determines that the cable operator has fully met the requirements of this section, it shall dismiss the complaint.

“(e) INPUT SELECTOR SWITCH RULES ABOLISHED.—No cable operator shall be required—

“(1) to provide or make available any input selector switch as defined in section 76.5(mm) of title 47, Code of Federal Regulations, or any comparable device; or

“(2) to provide information to subscribers about input selector switches or comparable devices.

“(f) REGULATIONS BY COMMISSION.—Within 180 days after the date of enactment of this section, the Commission shall, following a rulemaking proceeding, issue regulations implementing the requirements imposed by

this section. Such implementing regulations shall include necessary revisions to update section 76.51 of title 47 of the Code of Federal Regulations.

“(g) SALES PRESENTATIONS AND PROGRAM LENGTH COMMERCIALS.—

“(1) CARRIAGE PENDING PROCEEDING.—Pending the outcome of the proceeding under paragraph (2), nothing in this Act shall require a cable operator to carry on any tier, or prohibit a cable operator from carrying on any tier, the signal of any commercial television station or video programming service that is predominantly utilized for the transmission of sales presentations or program length commercials.

“(2) PROCEEDING CONCERNING CERTAIN STATIONS.—Within 270 days after the date of enactment of this section, the Commission, notwithstanding prior proceedings to determine whether broadcast television stations that are predominantly utilized for the transmission of sales presentations or program length commercials are serving the public interest, convenience, and necessity, shall complete a proceeding in accordance with this paragraph to determine whether broadcast television stations that are predominantly utilized for the transmission of sales presentations or program length commercials are serving the public interest, convenience, and necessity. In conducting such proceeding, the Commission shall provide appropriate notice and opportunity for public comment. The Commission shall consider the viewing of such stations, the level of competing demands for the spectrum allocated to such stations, and the role of such stations in providing competition to non-broadcast services offering similar programming. In the event that the Commission concludes that one or more of such stations are not serving the public interest, convenience, and necessity, the Commission shall allow the licensees of such stations a reasonable period within which to provide different programming, and shall not deny such stations a renewal expectancy solely because their programming consisted predominantly of sales presentations or program length commercials.

“(h) DEFINITIONS.—

“(1) LOCAL COMMERCIAL TELEVISION STATION.—

“(A) IN GENERAL.—For purposes of this section, the term ‘local commercial television station’ means any full power television broadcast station, other than a qualified noncommercial educational television station within the meaning of section 615(l)(1), licensed and operating on a channel regularly assigned to its community by the Commission that, with respect to a particular cable system, is within the same television market as the cable system.

“(B) EXCLUSIONS.—The term ‘local commercial television station’ shall not include—

“(i) low power television stations, television translator stations, and passive repeaters which operate pursuant to part 74 of title 47, Code of Federal Regulations, or any successor regulations thereto;

“(ii) a television broadcast station that would be considered a distant signal under section 111 of title 17, United States Code, if such station does not agree to indemnify the cable operator for any increased copyright liability resulting from carriage on the cable system; or

“(iii) a television broadcast station that does not deliver to the principal headend of a cable system either a signal level of –45dBm for UHF signals or –49dBm for VHF

signals at the input terminals of the signal processing equipment, if such station does not agree to be responsible for the costs of delivering to the cable system a signal of good quality or a baseband video signal.

“(C) MARKET DETERMINATIONS.—(i) For purposes of this section, a broadcasting station's market shall be determined in the manner provided in section 73.3555(d)(3)(i) of title 47, Code of Federal Regulations, as in effect on May 1, 1991, except that, following a written request, the Commission may, with respect to a particular television broadcast station, include additional communities within its television market or exclude communities from such station's television market to better effectuate the purposes of this section. In considering such requests, the Commission may determine that particular communities are part of more than one television market.

“(ii) In considering requests filed pursuant to clause (i), the Commission shall afford particular attention to the value of localism by taking into account such factors as—

“(I) whether the station, or other stations located in the same area, have been historically carried on the cable system or systems within such community;

“(II) whether the television station provides coverage or other local service to such community;

“(III) whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community; and

“(IV) evidence of viewing patterns in cable and noncable households within the areas served by the cable system or systems in such community.

“(iii) A cable operator shall not delete from carriage the signal of a commercial television station during the pendency of any proceeding pursuant to this subparagraph.

“(iv) In the rulemaking proceeding required by subsection (f), the Commission shall provide for expedited consideration of requests filed under this subparagraph.

“(2) QUALIFIED LOW POWER STATION.—The term ‘qualified low power station’ means any television broadcast station conforming to the rules established for Low Power Television Stations contained in part 74 of title 47, Code of Federal Regulations, only if—

“(A) such station broadcasts for at least the minimum number of hours of operation required by the Commission for television broadcast stations under part 73 of title 47, Code of Federal Regulations;

“(B) such station meets all obligations and requirements applicable to television broadcast stations under part 73 of title 47, Code of Federal Regulations, with respect to the broadcast of nonentertainment programming; programming and rates involving political candidates, election issues, controversial issues of public importance, editorials, and personal attacks; programming for children; and equal employment opportunity; and the Commission determines that the provision of such programming by such station would address local news and informational needs which are not being adequately served by full power television broadcast stations because of the geographic distance of such full power stations from the low power station's community of license;

“(C) such station complies with interference regulations consistent with its secondary status pursuant to part 74 of title 47, Code of Federal Regulations;

“(D) such station is located no more than 35 miles from the cable system's headend, and delivers to the principal headend of the



cable system an over-the-air signal of good quality, as determined by the Commission;

"(E) the community of license of such station and the franchise area of the cable system are both located outside of the largest 160 Metropolitan Statistical Areas, ranked by population, as determined by the Office of Management and Budget on June 30, 1990, and the population of such community of license on such date did not exceed 35,000; and

"(F) there is no full power television broadcast station licensed to any community within the county or other political subdivision (of a State) served by the cable system. Nothing in this paragraph shall be construed to change the secondary status of any low power station as provided in part 74 of title 47, Code of Federal Regulations, as in effect on the date of enactment of this section."

#### SEC. 5. CARRIAGE OF NONCOMMERCIAL STATIONS.

Part II of title VI of the Communications Act of 1934 (47 U.S.C. 531 et seq.) is further amended by inserting after section 614 (as added by section 4 of this Act) the following new section:

#### "SEC. 615. CARRIAGE OF NONCOMMERCIAL EDUCATIONAL TELEVISION.

"(a) CARRIAGE OBLIGATIONS.—In addition to the carriage requirements set forth in section 614, each cable operator of a cable system shall carry the signals of qualified noncommercial educational television stations in accordance with the provisions of this section.

"(b) REQUIREMENTS TO CARRY QUALIFIED STATIONS.—

"(1) GENERAL REQUIREMENT TO CARRY EACH QUALIFIED STATION.—Subject to paragraphs (2) and (3) and subsection (e), each cable operator shall carry, on the cable system of that cable operator, any qualified local noncommercial educational television station requesting carriage.

"(2)(A) SYSTEMS WITH 12 OR FEWER CHANNELS.—Notwithstanding paragraph (1), a cable operator of a cable system with 12 or fewer usable activated channels shall be required to carry the signal of one qualified local noncommercial educational television station; except that a cable operator of such a system shall comply with subsection (c) and may, in its discretion, carry the signals of other qualified noncommercial educational television stations.

"(B) In the case of a cable system described in subparagraph (A) which operates beyond the presence of any qualified local noncommercial educational television station—

"(i) the cable operator shall import and carry on that system the signal of one qualified noncommercial educational television station;

"(ii) the selection for carriage of such a signal shall be at the election of the cable operator; and

"(iii) in order to satisfy the requirements for carriage specified in this subsection, the cable operator of the system shall not be required to remove any other programming service actually provided to subscribers on March 29, 1990; except that such cable operator shall use the first channel available to satisfy the requirements of this subparagraph.

"(3) SYSTEMS WITH 13 TO 36 CHANNELS.—(A) Subject to subsection (c), a cable operator of a cable system with 13 to 36 usable activated channels—

"(i) shall carry the signal of at least one qualified local noncommercial educational television station but shall not be required to carry the signals of more than three such stations, and

"(ii) may, in its discretion, carry additional such stations.

"(B) In the case of a cable system described in this paragraph which operates beyond the

presence of any qualified local noncommercial educational television station, the cable operator shall import and carry on that system the signal of at least one qualified noncommercial educational television station to comply with subparagraph (A)(i).

"(C) The cable operator of a cable system described in this paragraph which carries the signal of a qualified local noncommercial educational station affiliated with a State public television network shall not be required to carry the signal of any additional qualified local noncommercial educational television stations affiliated with the same network if the programming of such additional stations is substantially duplicated by the programming of the qualified local noncommercial educational television station receiving carriage.

"(D) A cable operator of a system described in this paragraph which increases the usable activated channel capacity of the system to more than 36 channels on or after March 29, 1990, shall, in accordance with the other provisions of this section, carry the signal of each qualified local noncommercial educational television station requesting carriage, subject to subsection (e).

"(C) CONTINUED CARRIAGE OF EXISTING STATIONS.—Notwithstanding any other provision of this section, all cable operators shall continue to provide carriage to all qualified local noncommercial educational television stations whose signals were carried on their systems as of March 29, 1990. The requirements of this subsection may be waived with respect to a particular cable operator and a particular such station, upon the written consent of the cable operator and the station.

"(d) PLACEMENT OF ADDITIONAL SIGNALS.—A cable operator required to add the signals of qualified local noncommercial educational television stations to a cable system under this section may do so, subject to approval by the franchising authority pursuant to section 611, by placing such additional stations on public, educational, or governmental channels not in use for their designated purposes.

"(e) SYSTEMS WITH MORE THAN 36 CHANNELS.—A cable operator of a cable system with a capacity of more than 36 usable activated channels which is required to carry the signals of three qualified local noncommercial educational television stations shall not be required to carry the signals of additional such stations the programming of which substantially duplicates the programming broadcast by another qualified local noncommercial educational television station requesting carriage. Substantial duplication shall be defined by the Commission in a manner that promotes access to distinctive noncommercial educational television services.

"(f) WAIVER OF NONDUPLICATION RIGHTS.—A qualified local noncommercial educational television station whose signal is carried by a cable operator shall not assert any network nonduplication rights it may have pursuant to section 76.92 of title 47, Code of Federal Regulations, to require the deletion of programs aired on other qualified local noncommercial educational television stations whose signals are carried by that cable operator.

"(g) CONDITIONS OF CARRIAGE.—

"(1) CONTENT TO BE CARRIED.—A cable operator shall retransmit in its entirety the primary video, accompanying audio, and line 21 closed caption transmission of each qualified local noncommercial educational television station whose signal is carried on the cable system, and, to the extent technically feasible, program-related material carried in the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes. Retrans-

mission of other material in the vertical blanking interval or on subcarriers shall be within the discretion of the cable operator.

"(2) BANDWIDTH AND TECHNICAL QUALITY.—A cable operator shall provide each qualified local noncommercial educational television station whose signal is carried in accordance with this section with bandwidth and technical capacity equivalent to that provided to commercial television broadcast stations carried on the cable system and shall carry the signal of each qualified local noncommercial educational television station without material degradation.

"(3) CHANGES IN CARRIAGE.—The signal of a qualified local noncommercial educational television station shall not be repositioned by a cable operator unless the cable operator, at least 30 days in advance of such repositioning, has provided written notice to the station and all subscribers of the cable system. For purposes of this paragraph, repositioning includes (A) assignment of a qualified local noncommercial educational television station to a cable system channel number different from the cable system channel number to which the station was assigned as of March 29, 1990, and (B) deletion of the station from the cable system. The notification provisions of this paragraph shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section.

"(4) GOOD QUALITY SIGNAL REQUIRED.—Notwithstanding the other provisions of this section, a cable operator shall not be required to carry the signal of any qualified local noncommercial educational television station which does not deliver to the cable system's principal headend a signal of good quality or a baseband video signal, as may be defined by the Commission.

"(5) CHANNEL POSITIONING.—Each signal carried in fulfillment of the carriage obligations of a cable operator under this section shall be carried on the cable system channel number on which the qualified local noncommercial educational television station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the cable operator. Any dispute regarding the positioning of a qualified local noncommercial educational television station shall be resolved by the Commission.

"(h) AVAILABILITY OF SIGNALS.—Signals carried in fulfillment of the carriage obligations of a cable operator under this section shall be available to every subscriber as part of the cable system's lowest priced service tier that includes the retransmission of local commercial television broadcast signals.

"(i) PAYMENT FOR CARRIAGE PROHIBITED.—

"(1) IN GENERAL.—A cable operator shall not accept monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local noncommercial educational television station carried in fulfillment of the requirements of this section, except that such a station may be required to bear the cost associated with delivering a good quality signal or a baseband video signal to the principal headend of the cable system.

"(2) DISTANT SIGNAL EXCEPTION.—Notwithstanding the provisions of this section, a cable operator shall not be required to add the signal of a qualified local noncommercial educational television station not already carried under the provision of subsection (c), where such signal would be considered a distant signal for copyright purposes unless such station indemnifies the cable operator for any increased copyright costs resulting from carriage of such signal.

"(j) REMEDIES.—



"(1) COMPLAINT.—Whenever a qualified local noncommercial educational television station believes that a cable operator of a cable system has failed to comply with the signal carriage requirements of this section, the station may file a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to comply with such requirements and state the basis for such allegations.

"(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data, views, and arguments to establish that the cable operator has complied with the signal carriage requirements of this section.

"(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed under this subsection, the Commission shall determine whether the cable operator has complied with the requirements of this section. If the Commission determines that the cable operator has failed to comply with such requirements, the Commission shall state with particularity the basis for such findings and order the cable operator to take such remedial action as is necessary to meet such requirements. If the Commission determines that the cable operator has fully complied with such requirements, the Commission shall dismiss the complaint.

"(k) IDENTIFICATION OF SIGNALS.—A cable operator shall identify, upon request by any person, those signals carried in fulfillment of the requirements of this section.

"(l) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified noncommercial educational television station' means any television broadcast station which—

"(A)(i) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational television broadcast station and which is owned and operated by a public agency, nonprofit foundation, corporation, or association; and

"(ii) has as its licensee an entity which is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B); or

"(B) is owned and operated by a municipality and transmits predominantly noncommercial programs for educational purposes.

Such term includes (I) the translator of any noncommercial educational television station with five watts or higher power serving the franchise area, (II) a full-service station or translator if such station or translator is licensed to a channel reserved for noncommercial educational use pursuant to section 73.606 of title 47, Code of Federal Regulations, or any successor regulations thereto, and (III) such stations and translators operating on channels not so reserved as the Commission determines are qualified as noncommercial educational stations.

"(2) QUALIFIED LOCAL NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified local noncommercial educational television station' means a qualified noncommercial educational television station—

"(A) which is licensed to a principal community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on March 29, 1990), or any successor regulations thereto, is within 50 miles of the principal headend of the cable system; or

"(B) whose Grade B service contour, as defined in section 73.683(a) of such title (as in effect on March 29, 1990), or any successor

regulations thereto, encompasses the principal headend of the cable system."

#### SEC. 6. RETRANSMISSION CONSENT FOR CABLE SYSTEMS.

(A) AMENDMENT.—Section 325 of the Communications Act of 1934 (47 U.S.C. 325) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting immediately after subsection (a) the following new subsection:

"(b)(1) Following the date that is one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, no cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

"(A) with the express authority of the originating station; or

"(B) pursuant to section 614, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section.

"(2) The provisions of this subsection shall not apply to—

"(A) retransmission of the signal of a noncommercial broadcasting station;

"(B) retransmission directly to a home satellite antenna of the signal of a broadcasting station that is not owned or operated by, or affiliated with, a broadcasting network, if such signal was retransmitted by a satellite carrier on May 1, 1991;

"(C) retransmission of the signal of a broadcasting station that is owned or operated by, or affiliated with, a broadcasting network directly to a home satellite antenna, if the household receiving the signal is an unserved household; or

"(D) retransmission by a cable operator or other multichannel video programming distributor of the signal of a superstation if such signal was obtained from a satellite carrier and the originating station was a superstation on May 1, 1991.

For purposes of this paragraph, the terms 'satellite carrier', 'superstation', and 'unserved household' have the meanings given those terms, respectively, in section 119(d) of title 17, United States Code, as in effect on the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992.

"(3)(A) Within 45 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall commence a rulemaking proceeding to establish regulations to govern the exercise by television broadcast stations of the right to grant retransmission consent under this subsection and of the right to signal carriage under section 614, and such other regulations as are necessary to administer the limitations contained in paragraph (2). The Commission shall consider in such proceeding the impact that the grant of retransmission consent by television stations may have on the rates for the basic service tier and shall ensure that the regulations prescribed under this subsection do not conflict with the Commission's obligation under section 623(b)(1) to ensure that the rates for the basic service tier are reasonable. Such rulemaking proceeding shall be completed within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992.

"(B) The regulations required by subparagraph (A) shall require that television stations, within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992 and every three years thereafter, make an election between the right to grant retransmission consent under this subsection and the right to signal carriage under section 614. If there is more than one cable system

which services the same geographic area, a station's election shall apply to all such cable systems.

"(4) If an originating television station elects under paragraph (3)(B) to exercise its right to grant retransmission consent under this subsection with respect to a cable system, the provisions of section 614 shall not apply to the carriage of the signal of such station by such cable system.

"(5) The exercise by a television broadcast station of the right to grant retransmission consent under this subsection shall not interfere with or supersede the rights under section 614 or 615 of any station electing to assert the right to signal carriage under that section.

"(6) Nothing in this section shall be construed as modifying the compulsory copyright license established in section 111 of title 17, United States Code, or as affecting existing or future video programming licensing agreements between broadcasting stations and video programmers."

#### SEC. 7. AWARD OF FRANCHISES; PROMOTION OF COMPETITION.

(a) ADDITIONAL COMPETITIVE FRANCHISES.—

(1) AMENDMENT.—Section 621(a)(1) of the Communications Act of 1934 (47 U.S.C. 541(a)(1)) is amended by inserting before the period at the end the following: "; except that a franchising authority may not grant an exclusive franchise and may not unreasonably refuse to award an additional competitive franchise. Any applicant whose application for a second franchise has been denied by a final decision of the franchising authority may appeal such final decision pursuant to the provisions of section 635 for failure to comply with this subsection".

(2) CONFORMING AMENDMENT.—Section 635(a) of the Communications Act of 1934 (47 U.S.C. 555(a)) is amended by inserting "621(a)(1)," after "section".

(b) FRANCHISE REQUIREMENTS.—Section 621(a) of the Communications Act of 1934 (47 U.S.C. 541(a)) is amended by adding at the end the following new paragraph:

"(4) In awarding a franchise, the franchising authority—

"(A) shall allow the applicant's cable system a reasonable period of time to become capable of providing cable service to all households in the franchise area;

"(B) may require adequate assurance that the cable operator will provide adequate public, educational, and governmental access channel capacity, facilities, or financial support; and

"(C) may require adequate assurance that the cable operator has the financial, technical, or legal qualifications to provide cable service."

(c) MUNICIPAL AUTHORITIES PERMITTED TO OPERATE SYSTEMS.—Section 621 of the Communications Act of 1934 (47 U.S.C. 541) is amended—

(1) by inserting "and subsection (f)" before the comma in subsection (b)(1); and

(2) by adding at the end the following new subsection:

"(f) No provision of this Act shall be construed to—

"(1) prohibit a local or municipal authority that is also, or is affiliated with, a franchising authority from operating as a multichannel video programming distributor in the franchise area, notwithstanding the granting of one or more franchises by such franchising authority; or

"(2) require such local or municipal authority to secure a franchise to operate as a multichannel video programming distributor."

#### SEC. 8. CONSUMER PROTECTION AND CUSTOMER SERVICE.

Section 632 of the Communications Act of 1934 (47 U.S.C. 552) is amended to read as follows:

**"SEC. 632. CONSUMER PROTECTION AND CUSTOMER SERVICE.**

"(a) FRANCHISING AUTHORITY ENFORCEMENT.—A franchising authority may establish and enforce—

"(1) customer service requirements of the cable operator; and

"(2) construction schedules and other construction-related requirements, including construction-related performance requirements, of the cable operator.

"(b) COMMISSION STANDARDS.—The Commission shall, within 180 days of enactment of the Cable Television Consumer Protection and Competition Act of 1992, establish standards by which cable operators may fulfill their customer service requirements. Such standards shall include, at a minimum, requirements governing—

"(1) cable system office hours and telephone availability;

"(2) installations, outages, and service calls; and

"(3) communications between the cable operator and the subscriber (including standards governing bills and refunds).

"(c) CONSUMER PROTECTION LAWS AND CUSTOMER SERVICE AGREEMENTS.—

"(1) CONSUMER PROTECTION LAWS.—Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted by this title.

"(2) CUSTOMER SERVICE REQUIREMENT AGREEMENTS.—Nothing in this section shall be construed to preclude a franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards established by the Commission under subsection (b). Nothing in this title shall be construed to prevent the establishment or enforcement of any municipal law or regulation, or any State law, concerning customer service that imposes customer service requirements that exceed the standards set by the Commission under this section, or that addresses matters not addressed by the standards set by the Commission under this section."

**SEC. 9. LEASED COMMERCIAL ACCESS.**

(a) PURPOSE.—Section 612(a) of the Communications Act of 1934 (47 U.S.C. 532(a)) is amended by inserting "to promote competition in the delivery of diverse sources of video programming and" after "purpose of this section is".

(b) COMMISSION RULES ON MAXIMUM REASONABLE RATES AND OTHER TERMS AND CONDITIONS.—Section 612(c) of such Act (47 U.S.C. 532(c)) is amended—

(1) in paragraph (1) by inserting "and with rules prescribed by the Commission under paragraph (4)" after "purpose of this section"; and

(2) by adding at the end the following new paragraph:

"(4)(A) The Commission shall have the authority to—

"(i) determine the maximum reasonable rates that a cable operator may establish pursuant to paragraph (1) for commercial use of designated channel capacity, including the rate charged for the billing of rates to subscribers and for the collection of revenue from subscribers by the cable operator for such use;

"(ii) establish reasonable terms and conditions for such use, including those for billing and collection; and

"(iii) establish procedures for the expedited resolution of disputes concerning rates or carriage under this section.

"(B) Within 180 days after the date of enactment of this paragraph, the Commission shall establish rules for determining maximum reasonable rates under subparagraph (A)(i), for establishing terms and conditions

under subparagraph (A)(ii), and for providing procedures under subparagraph (A)(iii)."

(c) ACCESS FOR QUALITY MINORITY PROGRAMMING SOURCES AND QUALIFIED EDUCATIONAL PROGRAMMING SOURCES.—Section 612 of such Act (47 U.S.C. 532) is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding the provisions of subsections (b) and (c), a cable operator required by this section to designate channel capacity for commercial use may use any such channel capacity for the provision of programming from a qualified minority programming source or from any qualified educational programming source, whether or not such source is affiliated with the cable operator. The channel capacity used to provide programming from a qualified minority programming source or from any qualified educational programming source pursuant to this subsection may not exceed 33 percent of the channel capacity designated pursuant to this section. No programming provided over a cable system on July 1, 1990, may qualify as minority programming or educational programming on that cable system under this subsection.

"(2) For purposes of this subsection, the term 'qualified minority programming source' means a programming source which devotes substantially all of its programming to coverage of minority viewpoints, or to programming directed at members of minority groups, and which is over 50 percent minority-owned, as the term 'minority' is defined in section 309(i)(3)(C)(ii).

"(3) For purposes of this subsection, the term 'qualified educational programming source' means a programming source which devotes substantially all of its programming to educational or instructional programming that promotes public understanding of mathematics, the sciences, the humanities, and the arts and has a documented annual expenditure on programming exceeding \$15,000,000. The annual expenditure on programming means all annual costs incurred by the programming source to produce or acquire programs which are scheduled to be televised, and specifically excludes marketing, promotion, satellite transmission and operational costs, and general administrative costs.

"(4) Nothing in this subsection shall substitute for the requirements to carry qualified noncommercial educational television stations as specified under section 615."

(d) CONFORMING AMENDMENT.—Paragraph (5) of section 612(b) of the Communications Act of 1934 (47 U.S.C. 532(b)) is amended to read as follows:

"(5) For the purposes of this section, the term 'commercial use' means the provision of video programming, whether or not for profit."

**SEC. 10. CHILDREN'S PROTECTION FROM INDECENT PROGRAMMING ON LEASED ACCESS CHANNELS.**

(a) AUTHORITY TO ENFORCE.—Section 612(h) of the Communications Act of 1934 (47 U.S.C. 532(h)) is amended—

(1) by inserting "or the cable operator" after "franchising authority"; and

(2) by adding at the end thereof the following: "This subsection shall permit a cable operator to enforce prospectively a written and published policy of prohibiting programming that the cable operator reasonably believes describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards."

(b) COMMISSION REGULATIONS.—Section 612 of the Communications Act of 1934 (47 U.S.C. 532) is amended by inserting after subsection (i) (as added by section 9(c) of this Act) the following new subsection:

"(j)(1) Within 120 days following the date of the enactment of this subsection, the Com-

mission shall promulgate regulations designed to limit the access of children to indecent programming, as defined by Commission regulations, and which cable operators have not voluntarily prohibited under subsection (h) by—

"(A) requiring cable operators to place on a single channel all indecent programs, as identified by program providers, intended for carriage on channels designated for commercial use under this section;

"(B) requiring cable operators to block such single channel unless the subscriber requests access to such channel in writing; and

"(C) requiring programmers to inform cable operators if the program would be indecent as defined by Commission regulations.

"(2) Cable operators shall comply with the regulations promulgated pursuant to paragraph (1)."

(c) PROHIBITS SYSTEM USE.—Within 180 days following the date of the enactment of this Act, the Federal Communications Commission shall promulgate such regulations as may be necessary to enable a cable operator of a cable system to prohibit the use, on such system, of any channel capacity of any public, educational, or governmental access facility for any programming which contains obscene material, sexually explicit conduct, or material soliciting or promoting unlawful conduct.

(d) CONFORMING AMENDMENT.—Section 638 of the Communications Act of 1934 (47 U.S.C. 558) is amended by striking the period at the end and inserting the following: "unless the program involves obscene material."

**SEC. 11. LIMITATIONS ON OWNERSHIP, CONTROL, AND UTILIZATION.**

(a) CROSS-OWNERSHIP.—Section 613(a) of the Communications Act of 1934 (47 U.S.C. 533(a)) is amended—

(1) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) It shall be unlawful for a cable operator to hold a license for multichannel multipoint distribution service, or to offer satellite master antenna television service separate and apart from any franchised cable service, in any portion of the franchise area served by that cable operator's cable system. The Commission—

"(A) shall waive the requirements of this paragraph for all existing multichannel multipoint distribution services and satellite master antenna television services which are owned by a cable operator on the date of enactment of this paragraph; and

"(B) may waive the requirements of this paragraph to the extent the Commission determines is necessary to ensure that all significant portions of a franchise area are able to obtain video programming."

(b) CLARIFICATION OF LOCAL AUTHORITY TO REGULATE OWNERSHIP.—Section 613(d) of the Communications Act of 1934 (47 U.S.C. 533(d)) is amended—

(1) by striking "any media" and inserting "any other media"; and

(2) by adding at the end thereof the following: "Nothing in this section shall be construed to prevent any State or franchising authority from prohibiting the ownership or control of a cable system in a jurisdiction by any person (1) because of such person's ownership or control of any other cable system in such jurisdiction; or (2) in circumstances in which the State or franchising authority determines that the acquisition of such a cable system may eliminate or reduce competition in the delivery of cable service in such jurisdiction."

(c) COMMISSION REGULATIONS.—Section 613 of the Communications Act of 1934 (47 U.S.C. 533) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) In order to enhance effective competition, the Commission shall, within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, conduct a proceeding—

"(A) to prescribe rules and regulations establishing reasonable limits on the number of cable subscribers a person is authorized to reach through cable systems owned by such person, or in which such person has an attributable interest;

"(B) to prescribe rules and regulations establishing reasonable limits on the number of channels on a cable system that can be occupied by a video programmer in which a cable operator has an attributable interest; and

"(C) to consider the necessity and appropriateness of imposing limitations on the degree to which multichannel video programming distributors may engage in the creation or production of video programming.

"(2) In prescribing rules and regulations under paragraph (1), the Commission shall, among other public interest objectives—

"(A) ensure that no cable operator or group of cable operators can unfairly impede, either because of the size of any individual operator or because of joint actions by a group of operators of sufficient size, the flow of video programming from the video programmer to the consumer;

"(B) ensure that cable operators affiliated with video programmers do not favor such programmers in determining carriage on their cable systems or do not unreasonably restrict the flow of the video programming of such programmers to other video distributors;

"(C) take particular account of the market structure, ownership patterns, and other relationships of the cable television industry, including the nature and market power of the local franchise, the joint ownership of cable systems and video programmers, and the various types of non-equity controlling interests;

"(D) account for any efficiencies and other benefits that might be gained through increased ownership or control;

"(E) make such rules and regulations reflect the dynamic nature of the communications marketplace;

"(F) not impose limitations which would bar cable operators from serving previously unserved rural areas; and

"(G) not impose limitations which would impair the development of diverse and high quality video programming."

#### **SEC. 12. REGULATION OF CARRIAGE AGREEMENTS.**

Part II of title VI of the Communications Act of 1934 is amended by inserting after section 615 (as added by section 5 of this Act) the following new section:

#### **"SEC. 616. REGULATION OF CARRIAGE AGREEMENTS.**

"(a) **REGULATIONS.**—Within one year after the date of enactment of this section, the Commission shall establish regulations governing program carriage agreements and related practices between cable operators or other multichannel video programming distributors and video programming vendors. Such regulations shall—

"(1) include provisions designed to prevent a cable operator or other multichannel video programming distributor from requiring a financial interest in a program service as a condition for carriage on one or more of such operator's systems;

"(2) include provisions designed to prohibit a cable operator or other multichannel video programming distributor from coercing a video programming vendor to provide, and from retaliating against such a vendor for

failing to provide, exclusive rights against other multichannel video programming distributors as a condition of carriage on a system;

"(3) contain provisions designed to prevent a multichannel video programming distributor from engaging in conduct the effect of which is to unreasonably restrain the ability of an unaffiliated video programming vendor to compete fairly by discriminating in video programming distribution on the basis of affiliation or nonaffiliation of vendors in the selection, terms, or conditions for carriage of video programming provided by such vendors;

"(4) provide for expedited review of any complaints made by a video programming vendor pursuant to this section;

"(5) provide for appropriate penalties and remedies for violations of this subsection, including carriage; and

"(6) provide penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(b) **DEFINITION.**—As used in this section, the term 'video programming vendor' means a person engaged in the production, creation, or wholesale distribution of video programming for sale."

#### **SEC. 13. SALES OF CABLE SYSTEMS.**

Part II of title VI of the Communications Act of 1934 is further amended by adding at the end thereof the following new section:

#### **"SEC. 617. SALES OF CABLE SYSTEMS.**

"(a) **3-YEAR HOLDING PERIOD REQUIRED.**—Except as provided in this section, no cable operator may sell or otherwise transfer ownership in a cable system within a 36-month period following either the acquisition or initial construction of such system by such operator.

"(b) **TREATMENT OF MULTIPLE TRANSFERS.**—In the case of a sale of multiple systems, if the terms of the sale require the buyer to subsequently transfer ownership of one or more such systems to one or more third parties, such transfers shall be considered a part of the initial transaction.

"(c) **EXCEPTIONS.**—Subsection (a) shall not apply to—

"(1) any transfer of ownership interest in any cable system which is not subject to Federal income tax liability;

"(2) any sale required by operation of any law or any act of any Federal agency, any State or political subdivision thereof, or any franchising authority; or

"(3) any sale, assignment, or transfer, to one or more purchasers, assignees, or transferees controlled by, controlling, or under common control with, the seller, assignor, or transferor.

"(d) **WAIVER AUTHORITY.**—The Commission may, consistent with the public interest, waive the requirement of subsection (a), except that, if the franchise requires franchise authority approval of a transfer, the Commission shall not waive such requirements unless the franchise authority has approved the transfer. The Commission shall use its authority under this subsection to permit appropriate transfers in the cases of default, foreclosure, or other financial distress.

"(e) **LIMITATION ON DURATION OF FRANCHISING AUTHORITY POWER TO DISAPPROVE TRANSFERS.**—In the case of any sale or transfer of ownership of any cable system after the 36-month period following acquisition of such system, a franchising authority shall, if the franchise requires franchising authority approval of a sale or transfer, have 120 days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in accordance with Commission regulations and by the franchising authority. If the franchising authority fails to render a final decision on the request within 120 days, such request

shall be deemed granted unless the requesting party and the franchising authority agree to an extension of time."

#### **SEC. 14. SUBSCRIBER BILL ITEMIZATION.**

Section 622(c) of the Communications Act of 1934 (47 U.S.C. 542(c)) is amended to read as follows:

"(c) Each cable operator may identify, consistent with the regulations prescribed by the Commission pursuant to section 623, as a separate line item on each regular bill of each subscriber, each of the following:

"(1) The amount of the total bill assessed as a franchise fee and the identity of the franchising authority to which the fee is paid.

"(2) The amount of the total bill assessed to satisfy any requirements imposed on the cable operator by the franchise agreement to support public, educational, or governmental channels or the use of such channels.

"(3) The amount of any other fee, tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber."

#### **SEC. 15. NOTICE TO CABLE SUBSCRIBERS ON UNSOLICITED SEXUALLY EXPLICIT PROGRAMS.**

Section 624(d) of the Communications Act of 1934 (47 U.S.C. 544(d)) is amended by adding at the end the following new paragraph:

"(3)(A) If a cable operator provides a premium channel without charge to cable subscribers who do not subscribe to such premium channel, the cable operator shall, not later than 30 days before such premium channel is provided without charge—

"(i) notify all cable subscribers that the cable operator plans to provide a premium channel without charge;

"(ii) notify all cable subscribers when the cable operator plans to offer a premium channel without charge;

"(iii) notify all cable subscribers that they have a right to request that the channel carrying the premium channel be blocked; and

"(iv) block the channel carrying the premium channel upon the request of a subscriber.

"(B) For the purpose of this section, the term 'premium channel' shall mean any pay service offered on a per channel or per program basis, which offers movies rated by the Motion Picture Association of America as X, NC17, or R."

#### **SEC. 16. TECHNICAL STANDARDS; EMERGENCY ANNOUNCEMENTS; PROGRAMMING CHANGES; HOME WIRING.**

(a) **TECHNICAL STANDARDS.**—Section 624(e) of the Communications Act of 1934 (47 U.S.C. 544(e)) is amended to read as follows:

"(e) Within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall prescribe regulations which establish minimum technical standards relating to cable systems' technical operation and signal quality. The Commission shall update such standards periodically to reflect improvements in technology. A franchising authority may require as part of a franchise (including a modification, renewal, or transfer thereof) provisions for the enforcement of the standards prescribed under this subsection. A franchising authority may apply to the Commission for a waiver to impose standards that are more stringent than the standards prescribed by the Commission under this subsection."

(b) **EMERGENCY ANNOUNCEMENTS.**—Section 624 of such Act (47 U.S.C. 544) is amended by adding at the end the following new subsection:

"(g) Notwithstanding any such rule, regulation, or order, each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of

video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations in subpart G of part 73, title 47, Code of Federal Regulations."

(c) PROGRAMMING CHANGES.—Section 624 of such Act (47 U.S.C. 544) is further amended—

(1) in subsection (b)(1), by inserting ", except as provided in subsection (h)," after "but may not"; and

(2) by adding at the end the following new subsection:

"(h) A franchising authority may require a cable operator to do any one or more of the following:

"(1) Provide 30 days' advance written notice of any change in channel assignment or in the video programming service provided over any such channel.

"(2) Inform subscribers, via written notice, that comments on programming and channel position changes are being recorded by a designated office of the franchising authority."

(d) HOME WIRING.—Section 624 of such Act (47 U.S.C. 544) is further amended by adding at the end the following new subsection:

"(i) Within 120 days after the date of enactment of this subsection, the Commission shall prescribe rules concerning the disposition, after a subscriber to a cable system terminates service, of any cable installed by the cable operator within the premises of such subscriber."

#### SEC. 17. CONSUMER ELECTRONICS EQUIPMENT COMPATIBILITY.

The Communications Act of 1934 is amended by adding after section 624 (47 U.S.C. 544) the following new section:

##### "SEC. 624A. CONSUMER ELECTRONICS EQUIPMENT COMPATIBILITY.

"(a) FINDINGS.—The Congress finds that—

"(1) new and recent models of television receivers and video cassette recorders often contain premium features and functions that are disabled or inhibited because of cable scrambling, encoding, or encryption technologies and devices, including converter boxes and remote control devices required by cable operators to receive programming;

"(2) if these problems are allowed to persist, consumers will be less likely to purchase, and electronics equipment manufacturers will be less likely to develop, manufacture, or offer for sale, television receivers and video cassette recorders with new and innovative features and functions; and

"(3) cable operators should use technologies that will prevent signal thefts while permitting consumers to benefit from such features and functions in such receivers and recorders.

"(b) COMPATIBLE INTERFACES.—

"(1) REPORT; REGULATIONS.—Within 1 year after the date of enactment of this section, the Commission, in consultation with representatives of the cable industry and the consumer electronics industry, shall report to Congress on means of assuring compatibility between televisions and video cassette recorders and cable systems, consistent with the need to prevent theft of cable service, so that cable subscribers will be able to enjoy the full benefit of both the programming available on cable systems and the functions available on their televisions and video cassette recorders. Within 180 days after the date of submission of the report required by this subsection, the Commission shall issue such regulations as are necessary to assure such compatibility.

"(2) SCRAMBLING AND ENCRYPTION.—In issuing the regulations referred to in paragraph (1), the Commission shall determine whether and, if so, under what circumstances to permit cable systems to scramble or encrypt signals or to restrict cable systems in the manner in which they encrypt or

scramble signals, except that the Commission shall not limit the use of scrambling or encryption technology where the use of such technology does not interfere with the functions of subscribers' television receivers or video cassette recorders.

"(c) RULEMAKING REQUIREMENTS.—

"(1) FACTORS TO BE CONSIDERED.—In prescribing the regulations required by this section, the Commission shall consider—

"(A) the costs and benefits to consumers of imposing compatibility requirements on cable operators and television manufacturers in a manner that, while providing effective protection against theft or unauthorized reception of cable service, will minimize interference with or nullification of the special functions of subscribers' television receivers or video cassette recorders, including functions that permit the subscriber—

"(i) to watch a program on one channel while simultaneously using a video cassette recorder to tape a program on another channel;

"(ii) to use a video cassette recorder to tape two consecutive programs that appear on different channels; and

"(iii) to use advanced television picture generation and display features; and

"(B) the need for cable operators to protect the integrity of the signals transmitted by the cable operator against theft or to protect such signals against unauthorized reception.

"(2) REGULATIONS REQUIRED.—The regulations prescribed by the Commission under this section shall include such regulations as are necessary—

"(A) to specify the technical requirements with which a television receiver or video cassette recorder must comply in order to be sold as 'cable compatible' or 'cable ready';

"(B) to require cable operators offering channels whose reception requires a converter box—

"(i) to notify subscribers that they may be unable to benefit from the special functions of their television receivers and video cassette recorders, including functions that permit subscribers—

"(I) to watch a program on one channel while simultaneously using a video cassette recorder to tape a program on another channel;

"(II) to use a video cassette recorder to tape two consecutive programs that appear on different channels; and

"(III) to use advanced television picture generation and display features; and

"(i) to the extent technically and economically feasible, to offer subscribers the option of having all other channels delivered directly to the subscribers' television receivers or video cassette recorders without passing through the converter box;

"(C) to promote the commercial availability, from cable operators and retail vendors that are not affiliated with cable systems, of converter boxes and of remote control devices compatible with converter boxes;

"(D) to require a cable operator who offers subscribers the option of renting a remote control unit—

"(i) to notify subscribers that they may purchase a commercially available remote control device from any source that sells such devices rather than renting it from the cable operator; and

"(ii) to specify the types of remote control units that are compatible with the converter box supplied by the cable operator; and

"(E) to prohibit a cable operator from taking any action that prevents or in any way disables the converter box supplied by the cable operator from operating compatibly with commercially available remote control units.

"(d) REVIEW OF REGULATIONS.—The Commission shall periodically review and, if necessary, modify the regulations issued pursu-

ant to this section in light of any actions taken in response to such regulations and to reflect improvements and changes in cable systems, television receivers, video cassette recorders, and similar technology."

#### SEC. 18. FRANCHISE RENEWAL.

(a) COMMENCEMENT OF PROCEEDINGS.—Section 626(a) of the Communications Act of 1934 (47 U.S.C. 546(a)) is amended to read as follows:

"SEC. 626. (a)(1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.

"(2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) unless—

"(A) such a proceeding is requested by the cable operator by timely submission of such notice; or

"(B) such a proceeding is commenced by the franchising authority on its own initiative."

(b) PROCEEDING ON RENEWAL PROPOSAL.—Section 626(c)(1) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)) is amended—

(1) by inserting "pursuant to subsection (b)" after "renewal of a franchise"; and

(2) by striking "completion of any proceedings under subsection (a)" and inserting the following: "date of the submission of the cable operator's proposal pursuant to subsection (b)".

(c) REVIEW CRITERIA.—Section 626(c)(1)(B) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)(B)) is amended by striking "mix, quality, or level" and inserting "mix or quality".

(d) CORRECTION OF FAILURES.—Section 626(d) of the Communications Act of 1934 (47 U.S.C. 546(d)) is amended—

(1) by inserting "that has been submitted in compliance with subsection (b)" after "Any denial of a proposal for renewal"; and

(2) by striking "or has effectively acquiesced" and inserting "or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice".

(e) HARMLESS ERROR.—Section 626(e)(2)(A) of the Communications Act of 1934 (47 U.S.C. 546(e)(2)(A)) is amended by inserting after "franchising authority" the following: ", other than harmless error."

(f) CONFLICT BETWEEN REVOCATION AND RENEWAL PROCEEDINGS.—Section 626 of the Communications Act of 1934 (47 U.S.C. 546) is amended by adding at the end the following new subsection:

"(i) Notwithstanding the provisions of subsections (a) through (h), any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section."

#### SEC. 19. DEVELOPMENT OF COMPETITION AND DIVERSITY IN VIDEO PROGRAMMING DISTRIBUTION.

Part III of title VI of the Communications Act of 1934 is amended by inserting after section 627 (47 U.S.C. 547) the following new section:

**"SEC. 628. DEVELOPMENT OF COMPETITION AND DIVERSITY IN VIDEO PROGRAMMING DISTRIBUTION.**

"(a) PURPOSE.—The purpose of this section is to promote the public interest, convenience, and necessity by increasing competition and diversity in the multichannel video programming market, to increase the availability of satellite cable programming and satellite broadcast programming to persons in rural and other areas not currently able to receive such programming, and to spur the development of communications technologies.

"(b) PROHIBITION.—It shall be unlawful for a cable operator, a satellite cable programming vendor in which a cable operator has an attributable interest, or a satellite broadcast programming vendor to engage in unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which is to hinder significantly or to prevent any multichannel video programming distributor from providing satellite cable programming or satellite broadcast programming to subscribers or consumers.

"(c) REGULATIONS REQUIRED.—

"(1) PROCEEDING REQUIRED.—Within 180 days after the date of enactment of this section, the Commission shall, in order to promote the public interest, convenience, and necessity by increasing competition and diversity in the multichannel video programming market and the continuing development of communications technologies, prescribe regulations to specify particular conduct that is prohibited by subsection (b).

"(2) MINIMUM CONTENTS OF REGULATIONS.—The regulations to be promulgated under this section shall—

"(A) establish effective safeguards to prevent a cable operator which has an attributable interest in a satellite cable programming vendor or a satellite broadcast programming vendor from unduly or improperly influencing the decision of such vendor to sell, or the prices, terms, and conditions of sale of, satellite cable programming or satellite broadcast programming to any unfiliated multichannel video programming distributor;

"(B) prohibit discrimination by a satellite cable programming vendor in which a cable operator has an attributable interest or by a satellite broadcast programming vendor in the prices, terms, and conditions of sale or delivery of satellite cable programming or satellite broadcast programming among or between cable systems, cable operators, or other multichannel video programming distributors, or their agents or buying groups; except that such a satellite cable programming vendor in which a cable operator has an attributable interest or such a satellite broadcast programming vendor shall not be prohibited from—

"(i) imposing reasonable requirements for creditworthiness, offering of service, and financial stability and standards regarding character and technical quality;

"(ii) establishing different prices, terms, and conditions to take into account actual and reasonable differences in the cost of creation, sale, delivery, or transmission of satellite cable programming or satellite broadcast programming;

"(iii) establishing different prices, terms, and conditions which take into account economies of scale, cost savings, or other direct and legitimate economic benefits reasonably attributable to the number of subscribers served by the distributor; or

"(iv) entering into an exclusive contract that is permitted under subparagraph (D);

"(C) prohibit practices, understandings, arrangements, and activities, including exclusive contracts for satellite cable programming or satellite broadcast programming between a cable operator and a satellite cable

programming vendor or satellite broadcast programming vendor, that prevent a multichannel video programming distributor from obtaining such programming from any satellite cable programming vendor in which a cable operator has an attributable interest or any satellite broadcast programming vendor in which a cable operator has an attributable interest for distribution to persons in areas not served by a cable operator as of the date of enactment of this section; and

"(D) with respect to distribution to persons in areas served by a cable operator, prohibit exclusive contracts for satellite cable programming or satellite broadcast programming between a cable operator and a satellite cable programming vendor in which a cable operator has an attributable interest or a satellite broadcast programming vendor in which a cable operator has an attributable interest, unless the Commission determines (in accordance with paragraph (4)) that such contract is in the public interest.

"(3) LIMITATIONS.—

"(A) GEOGRAPHIC LIMITATIONS.—Nothing in this section shall require any person who is engaged in the national or regional distribution of video programming to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

"(B) APPLICABILITY TO SATELLITE RETRANSMISSIONS.—Nothing in this section shall apply (i) to the signal of any broadcast affiliate of a national television network or other television signal that is retransmitted by satellite but that is not satellite broadcast programming, or (ii) to any internal satellite communication of any broadcast network or cable network that is not satellite broadcast programming.

"(4) PUBLIC INTEREST DETERMINATIONS ON EXCLUSIVE CONTRACTS.—In determining whether an exclusive contract is in the public interest for purposes of paragraph (2)(D), the Commission shall consider each of the following factors with respect to the effect of such contract on the distribution of video programming in areas that are served by a cable operator:

"(A) the effect of such exclusive contract on the development of competition in local and national multichannel video programming distribution markets;

"(B) the effect of such exclusive contract on competition from multichannel video programming distribution technologies other than cable;

"(C) the effect of such exclusive contract on the attraction of capital investment in the production and distribution of new satellite cable programming;

"(D) the effect of such exclusive contract on diversity of programming in the multichannel video programming distribution market; and

"(E) the duration of the exclusive contract.

"(5) SUNSET PROVISION.—The prohibition required by paragraph (2)(D) shall cease to be effective 10 years after the date of enactment of this section, unless the Commission finds, in a proceeding conducted during the last year of such 10-year period, that such prohibition continues to be necessary to preserve and protect competition and diversity in the distribution of video programming.

"(d) ADJUDICATORY PROCEEDING.—Any multichannel video programming distributor aggrieved by conduct that it alleges constitutes a violation of subsection (b), or the regulations of the Commission under subsection (c), may commence an adjudicatory proceeding at the Commission.

"(e) REMEDIES FOR VIOLATIONS.—

"(1) REMEDIES AUTHORIZED.—Upon completion of such adjudicatory proceeding, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish prices, terms,

and conditions of sale of programming to the aggrieved multichannel video programming distributor.

"(2) ADDITIONAL REMEDIES.—The remedies provided in paragraph (1) are in addition to and not in lieu of the remedies available under title V or any other provision of this Act.

"(f) PROCEDURES.—The Commission shall prescribe regulations to implement this section. The Commission's regulations shall—

"(1) provide for an expedited review of any complaints made pursuant to this section;

"(2) establish procedures for the Commission to collect such data, including the right to obtain copies of all contracts and documents reflecting arrangements and understandings alleged to violate this section, as the Commission requires to carry out this section; and

"(3) provide for penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(g) REPORTS.—The Commission shall, beginning not later than 18 months after promulgation of the regulations required by subsection (c), annually report to Congress on the status of competition in the market for the delivery of video programming.

"(h) EXEMPTIONS FOR PRIOR CONTRACTS.—

"(1) IN GENERAL.—Nothing in this section shall affect any contract that grants exclusive distribution rights to any person with respect to satellite cable programming and that was entered into on or before June 1, 1990, except that the provisions of subsection (c)(2)(C) shall apply for distribution to persons in areas not served by a cable operator.

"(2) LIMITATION ON RENEWALS.—A contract that was entered into on or before June 1, 1990, but that is renewed or extended after the date of enactment of this section shall not be exempt under paragraph (1).

"(i) DEFINITIONS.—As used in this section:

"(1) The term 'satellite cable programming' has the meaning provided under section 705 of this Act, except that such term does not include satellite broadcast programming.

"(2) The term 'satellite cable programming vendor' means a person engaged in the production, creation, or wholesale distribution for sale of satellite cable programming, but does not include a satellite broadcast programming vendor.

"(3) The term 'satellite broadcast programming' means broadcast video programming when such programming is retransmitted by satellite and the entity retransmitting such programming is not the broadcaster or an entity performing such retransmission on behalf of and with the specific consent of the broadcaster.

"(4) The term 'satellite broadcast programming vendor' means a fixed service satellite carrier that provides service pursuant to section 119 of title 17, United States Code, with respect to satellite broadcast programming."

**SEC. 20. CUSTOMER PRIVACY RIGHTS.**

(a) DEFINITIONS.—Section 631(a)(2) of the Communications Act of 1934 (47 U.S.C. 551(a)(2)) is amended to read as follows:

"(2) For purposes of this section, other than subsection (h)—

"(A) the term 'personally identifiable information' does not include any record of aggregate data which does not identify particular persons;

"(B) the term 'other service' includes any wire or radio communications service provided using any of the facilities of a cable operator that are used in the provision of cable service; and

"(C) the term 'cable operator' includes, in addition to persons within the definition of cable operator in section 602, any person who (i) is owned or controlled by, or under com-

mon ownership or control with, a cable operator, and (ii) provides any wire or radio communications service.”.

(b) **ADDITIONAL ACTIONS REQUIRED.**—Section 631(c)(1) of the Communications Act of 1934 (47 U.S.C. 551(c)(1)) is amended by inserting immediately before the period at the end the following: “and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or cable operator”.

#### **SEC. 21. THEFT OF CABLE SERVICE.**

Section 633(b) of the Communications Act of 1934 (47 U.S.C. 533(b)) is amended—

(1) in paragraph (2)—

(A) by striking “\$25,000” and inserting “\$50,000”;

(B) by striking “1 year” and inserting “2 years”;

(C) by striking “\$50,000” and inserting “\$100,000”; and

(D) by striking “2 years” and inserting “5 years”; and

(2) by adding at the end thereof the following new paragraph:

“(3) For purposes of all penalties and remedies established for violations of subsection (a)(1), the prohibited activity established herein as it applies to each such device shall be deemed a separate violation.”.

#### **SEC. 22. EQUAL EMPLOYMENT OPPORTUNITY.**

(a) **FINDINGS.**—The Congress finds and declares that—

(1) despite the existence of regulations governing equal employment opportunity, females and minorities are not employed in significant numbers in positions of management authority in the cable and broadcast television industries;

(2) increased numbers of females and minorities in positions of management authority in the cable and broadcast television industries advances the Nation’s policy favoring diversity in the expression of views in the electronic media; and

(3) rigorous enforcement of equal employment opportunity rules and regulations is required in order to effectively deter racial and gender discrimination.

(b) **STANDARDS.**—Section 634(d)(1) of the Communication Act of 1934 (47 U.S.C. 554(d)(1)) is amended to read as follows:

“(d)(1) Not later than 270 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, and after notice and opportunity for hearing, the Commission shall prescribe revisions in the rules under this section in order to implement the amendments made to this section by such Act. Such revisions shall be designed to promote equality of employment opportunities for females and minorities in each of the job categories itemized in paragraph (3).”.

(c) **CONTENTS OF ANNUAL STATISTICAL REPORTS.**—Section 634(d)(3) of the Communications Act of 1934 (47 U.S.C. 554(d)(3)) is amended to read as follows:

“(3)(A) Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race, sex, and job title the number of employees in each of the following full-time and part-time job categories:

“(i) Corporate officers.

“(ii) General Manager.

“(iii) Chief Technician.

“(iv) Comptroller.

“(v) General Sales Manager.

“(vi) Production Manager.

“(vii) Managers.

“(viii) Professionals.

“(ix) Technicians.

“(x) Sales Personnel.

“(xi) Office and Clerical Personnel.

“(xii) Skilled Craftpersons.

“(xiii) Semiskilled Operatives.

“(xiv) Unskilled Laborers.

“(xv) Service Workers.

“(B) The report required by subparagraph (A) shall be made on separate forms, provided by the Commission, for full-time and part-time employees. The Commission’s rules shall sufficiently define the job categories listed in clauses (i) through (vi) of such subparagraph so as to ensure that only employees who are principal decisionmakers and who have supervisory authority are reported for such categories. The Commission shall adopt rules that define the job categories listed in clauses (vii) through (xv) in a manner that is consistent with the Commission policies in effect on June 1, 1990. The Commission shall prescribe the method by which entities shall be required to compute and report the number of minorities and women in the job categories listed in clauses (i) through (x) and the number of minorities and women in the job categories listed in clauses (i) through (xv) in proportion to the total number of qualified minorities and women in the relevant labor market. The report shall include information on hiring, promotion, and recruitment practices necessary for the Commission to evaluate the efforts of entities to comply with the provisions of paragraph (2) of this subsection. The report shall be available for public inspection at the entity’s central location and at every location where 5 or more full-time employees are regularly assigned to work. Nothing in this subsection shall be construed as prohibiting the Commission from collecting or continuing to collect statistical or other employment information in a manner that it deems appropriate to carry out this section.”.

(d) **PENALTIES.**—Section 634(f)(2) of such Act (47 U.S.C. 554(f)(2)) is amended by striking “\$200” and inserting “\$500”.

(e) **APPLICATION OF REQUIREMENTS.**—Section 634(h)(1) of such Act (47 U.S.C. 554(h)(1)) is amended by inserting before the period the following: “and any multichannel video programming distributor”.

(f) **BROADCASTING EQUAL EMPLOYMENT OPPORTUNITY.**—Part I of title III of the Communications Act of 1934 is amended by inserting after section 333 (47 U.S.C. 333) the following new section:

#### **“SEC. 334. LIMITATION ON REVISION OF EQUAL EMPLOYMENT OPPORTUNITY REGULATIONS.**

“(a) **LIMITATION.**—Except as specifically provided in this section, the Commission shall not revise—

“(1) the regulations concerning equal employment opportunity as in effect on September 1, 1992 (47 C.F.R. 73.2080) as such regulations apply to television broadcast station licensees and permittees; or

“(2) the forms used by such licensees and permittees to report pertinent employment data to the Commission.

“(b) **MIDTERM REVIEW.**—The Commission shall revise the regulations described in subsection (a) to require a midterm review of television broadcast station licensees’ employment practices and to require the Commission to inform such licensees of necessary improvements in recruitment practices identified as a consequence of such review.

“(c) **AUTHORITY TO MAKE TECHNICAL REVISIONS.**—The Commission may revise the regulations described in subsection (a) to make nonsubstantive technical or clerical revisions in such regulations as necessary to reflect changes in technology, terminology, or Commission organization.”.

(g) **STUDY AND REPORT REQUIRED.**—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Congress a report pursuant to a proceeding to review and obtain public comment on the effect and operation of the amendments made by this section. In conducting such review, the Commission shall

consider the effectiveness of its procedures, regulations, policies, standards, and guidelines in promoting equality of employment opportunity and promotion opportunity, and particularly the effectiveness of its procedures, regulations, policies, standards, and guidelines in promoting the congressional policy favoring increased employment opportunity for women and minorities in positions of management authority. The Commission shall forward to the Congress such legislative recommendations to improve equal employment opportunity in the broadcasting and cable industries as it deems necessary.

#### **SEC. 23. JUDICIAL REVIEW.**

Section 635 of the Communications Act of 1934 (47 U.S.C. 555) is amended by adding at the end the following new subsection:

“(c)(1) Notwithstanding any other provision of law, any civil action challenging the constitutionality of section 614 or 615 of this Act or any provision thereof shall be heard by a district court of three judges convened pursuant to the provisions of section 2284 of title 28, United States Code.

“(2) Notwithstanding any other provision of law, an interlocutory or final judgment, decree, or order of the court of three judges in an action under paragraph (1) holding section 614 or 615 of this Act or any provision thereof unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court. Any such appeal shall be filed not more than 20 days after entry of such judgment, decree, or order.”.

#### **SEC. 24. LIMITATION ON FRANCHISING AUTHORITY LIABILITY.**

(a) **AMENDMENT.**—Part IV of title VI of the Communications Act of 1934 is amended by inserting after section 635 (47 U.S.C. 555) the following new section:

#### **“SEC. 635A. LIMITATION OF FRANCHISING AUTHORITY LIABILITY.**

“(a) **SUITS FOR DAMAGES PROHIBITED.**—In any court proceeding pending on or initiated after the date of enactment of this section involving any claim against a franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity, arising from the regulation of cable service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of a franchise, any relief, to the extent such relief is required by any other provision of Federal, State, or local law, shall be limited to injunctive relief and declaratory relief.

“(b) **EXCEPTION FOR COMPLETED CASES.**—The limitation contained in subsection (a) shall not apply to actions that, prior to such violation, have been determined by a final order of a court of binding jurisdiction, no longer subject to appeal, to be in violation of a cable operator’s rights.

“(c) **DISCRIMINATION CLAIMS PERMITTED.**—Nothing in this section shall be construed as limiting the relief authorized with respect to any claim against a franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity, to the extent such claim involves discrimination on the basis of race, color, sex, age, religion, national origin, or handicap.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as creating or authorizing liability of any kind, under any law, for any action or failure to act relating to cable service or the granting of a franchise by any franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity.”.

(b) **CONFORMING AMENDMENT.**—Section 635(b) of the Communications Act of 1934 (47 U.S.C. 555(b)) is amended by inserting “and with the provisions of subsection (a)” after “subsection (a)”.

**SEC. 25. DIRECT BROADCAST SATELLITE SERVICE OBLIGATIONS.**

(a) AMENDMENT.—Part I of title III of the Communications Act of 1934 is further amended by inserting after section 334 (as added by section 22(f) of this Act) the following new section:

**"SEC. 335. DIRECT BROADCAST SATELLITE SERVICE OBLIGATIONS.**

"(a) PROCEEDING REQUIRED TO REVIEW DBS RESPONSIBILITIES.—The Commission shall, within 180 days after the date of enactment of this section, initiate a rulemaking proceeding to impose, on providers of direct broadcast satellite service, public interest or other requirements for providing video programming. Any regulations prescribed pursuant to such rulemaking shall, at a minimum, apply the access to broadcast time requirement of section 312(a)(7) and the use of facilities requirements of section 315 to providers of direct broadcast satellite service providing video programming. Such proceeding also shall examine the opportunities that the establishment of direct broadcast satellite service provides for the principle of localism under this Act, and the methods by which such principle may be served through technological and other developments in, or regulation of, such service.

"(b) CARRIAGE OBLIGATIONS FOR NONCOMMERCIAL, EDUCATIONAL, AND INFORMATIONAL PROGRAMMING.—

"(1) CHANNEL CAPACITY REQUIRED.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

"(2) USE OF UNUSED CHANNEL CAPACITY.—A provider of such service may utilize for any purpose any unused channel capacity required to be reserved under this subsection pending the actual use of such channel capacity for noncommercial programming of an educational or informational nature.

"(3) PRICES, TERMS, AND CONDITIONS; EDITORIAL CONTROL.—A provider of direct broadcast satellite service shall meet the requirements of this subsection by making channel capacity available to national educational programming suppliers, upon reasonable prices, terms, and conditions, as determined by the Commission under paragraph (4). The provider of direct broadcast satellite service shall not exercise any editorial control over any video programming provided pursuant to this subsection.

"(4) LIMITATIONS.—In determining reasonable prices under paragraph (3)—

"(A) the Commission shall take into account the nonprofit character of the programming provider and any Federal funds used to support such programming;

"(B) the Commission shall not permit such prices to exceed, for any channel made available under this subsection, 50 percent of the total direct costs of making such channel available; and

"(C) in the calculation of total direct costs, the Commission shall exclude—

"(i) marketing costs, general administrative costs, and similar overhead costs of the provider of direct broadcast satellite service; and

"(ii) the revenue that such provider might have obtained by making such channel available to a commercial provider of video programming.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'provider of direct broadcast satellite service' means—

"(i) a licensee for a Ku-band satellite system under part 100 of title 47 of the Code of Federal Regulations; or

"(ii) any distributor who controls a minimum number of channels (as specified by Commission regulation) using a Ku-band fixed service satellite system for the provision of video programming directly to the home and licensed under part 25 of title 47 of the Code of Federal Regulations.

"(B) The term 'national educational programming supplier' includes any qualified noncommercial educational television station, other public telecommunications entities, and public or private educational institutions."

(b) TECHNICAL AMENDMENT.—Section 331 of such Act as added by Public Law 97-259 (47 U.S.C. 332) is redesignated as section 332.

**SEC. 26. SPORTS PROGRAMMING MIGRATION STUDY AND REPORT.**

(a) STUDY REQUIRED.—The Federal Communications Commission shall conduct an ongoing study on the carriage of local, regional, and national sports programming by broadcast stations, cable programming networks, and pay-per-view services. The study shall investigate and analyze, on a sport-by-sport basis, trends in the migration of such programming from carriage by broadcast stations to carriage over cable programming networks and pay-per-view systems, including the economic causes and the economic and social consequences of such trends.

(b) REPORT ON STUDY.—The Federal Communications Commission shall, on or before July 1, 1993, and July 1, 1994, submit an interim and a final report, respectively, on the results of the study required by subsection (a) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Such reports shall include a statement of the results, on a sport-by-sport basis, of the analysis of the trends required by subsection (a) and such legislative or regulatory recommendations as the Commission considers appropriate.

(c) ANALYSIS OF PRECLUSIVE CONTRACTS REQUIRED.—

(1) ANALYSIS REQUIRED.—In conducting the study required by subsection (a), the Commission shall analyze the extent to which preclusive contracts between college athletic conferences and video programming vendors have artificially and unfairly restricted the supply of the sporting events of local colleges for broadcast on local television stations. In conducting such analysis, the Commission shall consult with the Attorney General to determine whether and to what extent such preclusive contracts are prohibited by existing statutes. The reports required by subsection (b) shall include separate statements of the results of the analysis required by this subsection, together with such recommendations for legislation as the Commission considers necessary and appropriate.

(2) DEFINITION.—For purposes of the subsection, the term "preclusive contract" includes any contract that prohibits—

(A) the live broadcast by a local television station of a sporting event of a local college team that is not carried, on a live basis, by any cable system within the local community served by such local television station; or

(B) the delayed broadcast by a local television station of a sporting event of a local college team that is not carried, on a live or delayed basis, by any cable system within the local community served by such local television station.

**SEC. 27. APPLICABILITY OF ANTITRUST LAWS.**

Nothing in this Act or the amendments made by this Act shall be construed to alter or restrict in any manner the applicability of any Federal or State antitrust law.

**SEC. 28. EFFECTIVE DATE.**

Except where otherwise expressly provided, the provisions of this Act and the amendments made thereby shall take effect 60 days after the date of enactment of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

JOHN D. DINGELL,  
EDWARD J. MARKEY,  
BILLY TAUZIN,  
DENNIS E. ECKART,  
THOMAS J. MANTON,  
RALPH M. HALL,  
CLAUDE HARRIS,

Provided that Mr. Ritter is appointed in place of Mr. Fields for consideration of so much of section 16 of the Senate bill as would add a new section 614(g) of the Communications Act of 1934 and so much of section 5 of the House amendment as would add a new section 614(f) to the Communications Act of 1934.

*Managers on the Part of the House.*

ERNEST F. HOLLINGS,  
DANIEL K. INOUE,  
WENDELL FORD,  
JOHN C. DANFORTH,

*Managers on the Part of the Senate.*

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. LUKEN, announced that the yeas had it.

Mr. LENT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared ....	Yeas .....	280
	Nays .....	128
	Answered present	1

¶107.8

[Roll No. 398]

YEAS—280

Abercrombie	Cardin	Dymally
Ackerman	Carper	Early
Alexander	Carr	Eckart
Anderson	Chapman	Edwards (CA)
Andrews (ME)	Clay	Edwards (TX)
Andrews (TX)	Clement	Emerson
Annuizio	Coble	Engel
Applegate	Coleman (MO)	English
Aspin	Coleman (TX)	Erdreich
AuCoin	Collins (IL)	Espy
Bacchus	Collins (MI)	Evans
Barrett	Condit	Ewing
Bateman	Cooper	Fish
Beilenson	Costello	Flake
Bennett	Cox (IL)	Foglietta
Bentley	Coyne	Ford (MI)
Bereuter	Cramer	Ford (TN)
Bevill	Darden	Frost
Bilbray	Davis	Gallegly
Bilirakis	DeFazio	Gaydos
Blackwell	DeLauro	Gejdenson
Boehlert	Dellums	Gephardt
Bonior	Derrick	Geren
Boucher	Dicks	Gilchrest
Brewster	Dingell	Gilman
Browder	Donnelly	Glickman
Brown	Dooley	Gonzalez
Bruce	Dorgan (ND)	Goss
Bryant	Downey	Grandy
Bunning	Duncan	Green
Byron	Durbin	Guarini
Callahan	Dwyer	Gunderson



Hall (TX)	Mfume	Schulze
Hamilton	Michel	Schumer
Harris	Miller (CA)	Serrano
Hatcher	Miller (WA)	Sharp
Hayes (IL)	Mineta	Shaw
Hefner	Mink	Shays
Henry	Moakley	Sikorski
Hertel	Molinari	Sisisky
Hoagland	Mollohan	Skeen
Hochbrueckner	Montgomery	Skelton
Horn	Moody	Slattery
Houghton	Moran	Slaughter
Hoyer	Morella	Smith (FL)
Hubbard	Morrison	Snowe
Hutto	Mrazek	Solarz
Inhofe	Nagle	Spence
Jacobs	Natcher	Spratt
Jefferson	Neal (MA)	Staggers
Jenkins	Neal (NC)	Stallings
Johnson (SD)	Nichols	Stark
Johnston	Nowak	Stearns
Jones	Nussle	Stenholm
Jontz	Oakar	Stokes
Kaptur	Oberstar	Studds
Kasich	Obey	Sundquist
Kennelly	Olver	Swett
Kildee	Ortiz	Swift
Kleccka	Owens (NY)	Synar
Klug	Pallone	Tallon
LaFalce	Panetta	Tanner
Lancaster	Patterson	Tauzin
Lantos	Payne (VA)	Taylor (MS)
LaRocco	Pease	Taylor (NC)
Leach	Pelosi	Thomas (GA)
Lehman (CA)	Peterson (FL)	Thomas (WY)
Lehman (FL)	Petri	Thornton
Levin (MI)	Porter	Torricelli
Lewis (FL)	Poshard	Traficant
Lewis (GA)	Price	Traxler
Lightfoot	Quillen	Unsoeld
Lipinski	Rahall	Upton
Livingston	Ramstad	Valentine
Lloyd	Rangel	Vento
Long	Ravenel	Visclosky
Lowey (NY)	Ray	Volkmer
Machtley	Reed	Walsh
Manton	Rinaldo	Washington
Markey	Roberts	Waxman
Marlenee	Roe	Wheat
Martinez	Roemer	Whitten
Mavroules	Rogers	Williams
Mazzoli	Ros-Lehtinen	Wise
McCloskey	Rose	Wolf
McCollum	Rostenkowski	Wolpe
McCurdy	Roth	Wyden
McDermott	Rowland	Wyllie
McGrath	Sabo	Yates
McHugh	Sanders	Yatron
McMillan (NC)	Sangmeister	Young (AK)
McMillen (MD)	Sarpalius	Young (FL)
McNulty	Sawyer	
Meyers	Schiff	

## NAYS—128

Allard	Fields	Lent
Allen	Frank (MA)	Levine (CA)
Andrews (NJ)	Franks (CT)	Lewis (CA)
Archer	Gallo	Lowery (CA)
Armey	Gekas	Martin
Baker	Gibbons	Matsui
Ballenger	Gillmor	McCandless
Barton	Gingrich	McDade
Berman	Goodling	McEwen
Bliley	Gradison	Miller (OH)
Boehner	Hall (OH)	Moorhead
Borski	Hammerschmidt	Murphy
Brooks	Hancock	Myers
Burton	Hansen	Olin
Bustamante	Hastert	Orton
Camp	Hefley	Oxley
Campbell (CA)	Herger	Packard
Campbell (CO)	Hobson	Parker
Clinger	Holloway	Pastor
Combest	Hopkins	Paxon
Coughlin	Horton	Payne (NJ)
Cox (CA)	Hughes	Penny
Crane	Hunter	Peterson (MN)
Cunningham	Hyde	Pickett
Dannemeyer	Ireland	Pursell
de la Garza	James	Regula
DeLay	Johnson (CT)	Rhodes
Dickinson	Johnson (TX)	Richardson
Dixon	Kanjorski	Ridge
Doolittle	Kolbe	Ritter
Dornan (CA)	Kolter	Rohrabacher
Dreier	Kopetski	Roukema
Edwards (OK)	Kostmayer	Roybal
Fawell	Kyl	Russo
Fazio	Lagomarsino	Santorum
Feighan	Laughlin	Saxton

Schaefer	Smith (OR)	Vucanovich
Schroeder	Smith (TX)	Walker
Sensenbrenner	Solomon	Weldon
Shuster	Stump	Wilson
Skaggs	Thomas (CA)	Zeliff
Smith (IA)	Torres	Zimmer
Smith (NJ)	Vander Jagt	

## ANSWERED "PRESENT"—1

Luken

## NOT VOTING—23

Anthony	Gordon	Pickle
Atkins	Hayes (LA)	Riggs
Barnard	Huckaby	Savage
Boxer	Kennedy	Scheuer
Broomfield	McCrery	Towns
Chandler	Murtha	Waters
Conyers	Owens (UT)	Weber
Fascell	Perkins	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

¶107.9 APPOINTMENT OF FUNERAL  
COMMITTEE OF THE LATE HONORABLE  
WALTER B. JONES

The SPEAKER pro tempore, Mr. LUKEN, by unanimous consent and pursuant to House Resolution 567, appointed as members to attend the funeral for the late Honorable Walter B. Jones, the following Members on the part of the House:

Mr. ROSE of North Carolina;  
Mr. FOLEY of Washington;  
Mr. GEPHARDT of Missouri;  
Mr. BONIOR of Michigan;  
Mr. HOYER of Maryland;  
Mr. HEFNER of North Carolina;  
Mr. NEAL of North Carolina;  
Mr. VALENTINE of North Carolina;  
Mr. COBLE of North Carolina;  
Mr. McMILLAN of North Carolina;  
Mr. BALLENGER of North Carolina;  
Mr. LANCASTER of North Carolina;  
Mr. PRICE of North Carolina;  
Mr. TAYLOR of North Carolina;  
Mr. ROSTENKOWSKI of Illinois;  
Mr. PICKLE of Texas;  
Mr. DE LA GARZA of Texas;  
Mr. ALEXANDER of Arkansas;  
Mr. ANDERSON of California;  
Mr. ROE of New Jersey;  
Mr. LENT of New York;  
Mr. STUDDS of Massachusetts;  
Mr. DERRICK of South Carolina;  
Mr. HUBBARD of Kentucky;  
Mr. HUGHES of New Jersey;  
Mr. DICKS of Washington;  
Mr. JENKINS of Georgia;  
Mr. VOLKMER of Missouri;  
Mr. DAVIS of Michigan;  
Mr. HUTTO of Florida;  
Mr. STENHOLM of Texas;  
Mr. TAUZIN of Louisiana;  
Mr. FIELDS of Texas;  
Mr. HERTEL of Michigan;  
Mr. BATEMAN of Virginia;  
Mr. BORSKI of Pennsylvania;  
Mr. CARPER of Delaware;  
Mr. ROWLAND of Georgia;  
Mr. TALLON of South Carolina;  
Mrs. BENTLEY of Maryland;  
Mr. CALLAHAN of Alabama;  
Mr. TRAFICANT of Ohio;  
Mr. HOCHBRUECKNER of New York;

Mr. PICKETT of Virginia;  
Mr. RAVENEL of South Carolina;  
Mr. GOSS of Florida;  
Mr. LAUGHLIN of Texas;  
Mr. McNULTY of New York;  
Mr. TAYLOR of Mississippi;  
Mr. JEFFERSON of Louisiana;  
Mr. BLACKWELL of Pennsylvania; and  
Mr. FALEOMAVAEGA of American Samoa.

*Ordered*, That the Clerk notify the Senate of the foregoing appointments.

## ¶107.10 RECESS—12:02 P.M.

The SPEAKER pro tempore, Ms. HORN, pursuant to the order of the House of Wednesday, September 16, 1992, declared the House in recess at 12 o'clock and 2 minutes p.m., subject to the call of the Chair.

## ¶107.11 AFTER RECESS—6:05 P.M.

The SPEAKER pro tempore, Mr. GEPHARDT, called the House to order.

¶107.12 ORDER OF BUSINESS—  
CONSIDERATION OF AMENDMENT IN  
DISAGREEMENT—H.R. 5373

On motion of Mr. BEVILL, by unanimous consent,

*Ordered*, That Senate amendment numbered 57 of the amendments in disagreement reported from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes, be passed over, and that at that time the House proceed to the disposition of the final amendment in disagreement, amendment numbered 58, when said conference is considered, and

*Ordered further*, That consideration of Senate amendment numbered 57 be in order when subsequently called up by the manager.

¶107.13 ENERGY AND WATER  
APPROPRIATIONS

Mr. BEVILL, pursuant to the order of the House of September 16, 1992, called up the following conference report (Rept. No. 102-866):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5373) "making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 12, 24, 26, 32, 38, 49, 52, 53, 54, 56, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 13, 14, 20, 25, 30, 33, 41, 42, 50, 51, and 55, and agree to the same.

Amendment numbered 1:  
That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$175,780,000; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows

Restore the matter stricken amended as follows:

In lieu of the sum named in said amendment insert *\$1,000,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agreed to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$1,541,668,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$12,540,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$274,760,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

Restore the matter stricken amended to read as follows: *Provided further, That of the funds appropriated herein, \$3,250,000 shall be available for environmental studies associated with the renewal of Central Valley Project, California, water contracts and environmental compliance; and the Senate agree to the same.*

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *\$1,417,784,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 17, 18, 19, 21, 22, 27, 31, 34, 35, 36, 37, 39, 43, 44, 45, 46, 47, 48, 57, and 58.

TOM BEVILL,  
VIC FAZIO,  
LINDSAY THOMAS,  
JIM CHAPMAN,  
DAVID E. SKAGGS  
(except No. 37),  
BERNARD J. DWYER,  
JAMIE L. WHITTEN,  
JOHN T. MYERS,  
CARL D. PURSELL,  
DEAN A. GALLO,  
JOSEPH M. MCDADE,

*Managers on the Part of the House.*

J. BENNETT JOHNSTON,  
ROBERT C. BYRD,  
ERNEST F. HOLLINGS,  
JIM SASSER,  
DENNIS DECONCINI,  
HARRY REID,  
MARK O. HATFIELD,  
JAKE GARN,  
THAD COCHRAN,  
PETE V. DOMENICI,  
ARLEN SPECTER,  
DON NICKLES,

*Managers on the Part of the Senate.*

Pending consideration of the conference report,

On demand of Mr. SLATTERY, pursuant to clause 2, rule XXVIII,

*Ordered.* That time for debate be equally divided among Messrs. BEVILL, MYERS, and SLATTERY.

When said conference report was considered.

After debate,

On motion of Mr. BEVILL, the previous question was ordered on the conference report to its adoption or rejection.

Mrs. VUCANOVICH moved to recommit the conference report to the committee of conference.

By unanimous consent, the previous question was ordered on the motion to recommit said conference report.

The question being put, *viva voce*,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mr. COX of Illinois, announced that the yeas had it.

So the motion to recommit was not agreed to.

The question being put, *viva voce*,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. COX of Illinois, announced that the yeas had it.

Mr. BURTON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared

¶107.14

[Roll No. 399]

YEAS—245

Abercrombie	Darden	Hamilton
Ackerman	Davis	Hammerschmidt
Alexander	de la Garza	Hansen
Anderson	DeFazio	Harris
Andrews (NJ)	DeLauro	Hatcher
Andrews (TX)	DeLay	Herger
Annunzio	Derrick	Hertel
Aspin	Dickinson	Hobson
Bacchus	Dicks	Hochbrueckner
Baker	Dingell	Hopkins
Barton	Dixon	Houghton
Bateman	Dooley	Hoyer
Bentley	Doolittle	Hubbard
Berman	Dornan (CA)	Hughes
Bevill	Downey	Hunter
Bilbray	Durbin	Hyde
Bilirakis	Dwyer	Inhofe
Bileley	Edwards (OK)	Jefferson
Boehner	Edwards (TX)	Jenkins
Bonior	Emerson	Johnson (CT)
Borski	Engel	Johnson (SD)
Boucher	Erdreich	Kaptur
Brewster	Espy	Kasich
Brooks	Evans	Kennelly
Browder	Fawell	Kildee
Brown	Fazio	Klecza
Bryant	Fields	Kolbe
Bunning	Ford (TN)	Kopetski
Bustamante	Franks (CT)	Kyl
Byron	Frost	LaFalce
Callahan	Gallagher	Lagomarsino
Camp	Gallo	LaRocco
Cardin	Gaydos	Laughlin
Carper	Gejdenson	Leach
Carr	Gekas	Lehman (CA)
Chapman	Gephardt	Lewis (CA)
Clinger	Geren	Lightfoot
Coleman (TX)	Gibbons	Livingston
Combest	Gilchrest	Lloyd
Cooper	Gilman	Long
Costello	Gonzalez	Lowery (CA)
Cox (CA)	Grandy	Lowey (NY)
Cox (IL)	Green	Martinez
Coyne	Guarini	Matsui
Cramer	Hall (OH)	Mazzoli
Cunningham	Hall (TX)	McCandless

McCloskey	Peterson (FL)	Skelton
McDade	Peterson (MN)	Slaughter
McDermott	Pickett	Smith (FL)
McHugh	Poshard	Smith (IA)
McMillen (MD)	Price	Smith (NJ)
McNulty	Pursell	Smith (TX)
Meyers	Quillen	Stallings
Michel	Rahall	Stenholm
Miller (CA)	Rangel	Stokes
Miller (OH)	Ray	Sundquist
Miller (WA)	Regula	Swift
Mineta	Rhodes	Tauzin
Mink	Rinaldo	Taylor (MS)
Mollohan	Roe	Taylor (NC)
Montgomery	Roemer	Thomas (GA)
Moody	Rogers	Thomas (WY)
Moorhead	Rohrabacher	Thornton
Moran	Ros-Lehtinen	Torres
Morrison	Rose	Torricelli
Murtha	Rostenkowski	Towns
Myers	Rowland	Trafigant
Nagle	Russo	Unsoeld
Natcher	Sabo	Vander Jagt
Nowak	Sangmeister	Visclosky
Oaker	Santorom	Volkmer
Oberstar	Sarpalius	Walker
Olin	Savage	Walsh
Ortiz	Saxton	Whitten
Packard	Schaefer	Williams
Pallone	Schiff	Wilson
Parker	Schulze	Wise
Pastor	Serrano	Wylie
Paxon	Sharp	Yates
Payne (NJ)	Shuster	Young (AK)
Payne (VA)	Skaggs	Young (FL)
Perkins	Skeen	

NAYS—143

Allard	Hefley	Penny
Allen	Hefner	Petri
Andrews (ME)	Henry	Porter
Armey	Hoagland	Ramstad
Ballenger	Horn	Ravenel
Barrett	Hutto	Reed
Beilenson	Jacobs	Ritter
Bennett	James	Roberts
Bereuter	Johnson (TX)	Roth
Blackwell	Johnston	Roukema
Boehlert	Jontz	Roybal
Bruce	Kanjorski	Sanders
Burton	Klug	Sawyer
Campbell (CA)	Kolter	Schroeder
Clay	Kostmayer	Schumer
Clement	Lancaster	Sensenbrenner
Coble	Lantos	Shays
Coleman (MO)	Lent	Sikorski
Collins (IL)	Levin (MI)	Sisisky
Collins (MI)	Lewis (FL)	Slattery
Condit	Lewis (GA)	Smith (OR)
Coughlin	Lipinski	Snowe
Crane	Luken	Solomon
Dannemeyer	Machtley	Spence
Dellums	Markey	Spratt
Dorgan (ND)	Martin	Staggers
Dreier	McCollum	Stark
Duncan	McCurdy	Stearns
Dymally	McEwen	Studds
Early	McGrath	Stump
Eckart	McMillan (NC)	Sweet
Edwards (CA)	Mfume	Synar
English	Moakley	Tallon
Feighan	Molinari	Tanner
Fish	Morella	Upton
Flake	Murphy	Valentine
Foglietta	Neal (MA)	Vento
Ford (MI)	Neal (NC)	Vucanovich
Frank (MA)	Nichols	Waters
Gillmor	Nussle	Waxman
Glickman	Obey	Weldon
Goodling	Olver	Wheat
Goss	Orton	Wolf
Gradison	Owens (NY)	Wolpe
Gunderson	Oxley	Wyden
Hancock	Panetta	Zeliff
Hastert	Patterson	Zimmer
Hayes (IL)	Pease	

NOT VOTING—44

Anthony	Ewing	Levine (CA)
Applegate	Fascell	Manton
Archer	Gingrich	Marlenee
Atkins	Gordon	Mavroules
AuCoin	Hayes (LA)	McCrery
Barnard	Holloway	Mrazek
Boxer	Horton	Owens (UT)
Broomfield	Huckaby	Pelosi
Campbell (CO)	Ireland	Pickle
Chandler	Jones	Richardson
Conyers	Kennedy	Ridge
Donnelly	Lehman (FL)	Riggs

Scheuer	Thomas (CA)	Weber
Shaw	Traxler	Yatron
Solarz	Washington	

So the conference report was agreed to.

#### ¶107.15 AMENDMENTS IN DISAGREEMENT

The House then proceeded to the consideration of the following amendments of the Senate reported in disagreement numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 17, 18, 19, 21, 22, 27, 31, 34, 35, 36, 37, 39, 43, 44, 45, 46, 47, 48, 57, and 58.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 2 and concurred therein with the following amendment:

In lieu of the matter stricken and inserted by said amendment, insert:

Los Angeles County Drainage Area Water Conservation and Supply, California, \$200,000;

Los Angeles River Watercourse Improvement, California, \$300,000;

Rancho Palos Verdes, California, \$400,000;

Miami River Sediments, Florida, \$50,000;

Monroe County (Smathers Beach), Florida, \$500,000;

Casino Beach, Illinois, \$110,000;

Chicago Shoreline, Illinois, \$600,000;

McCook and Thornton Reservoirs, Illinois, \$3,500,000;

Lake George, Hobart, Indiana, \$260,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, \$170,000;

Mississippi River, Vicinity of St. Louis, Missouri, \$500,000;

Ste. Genevieve, Missouri, \$750,000;

Passaic River Mainstem, New Jersey, \$10,000,000; and

Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, \$2,800,000: *Provided further*, That using \$320,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the cost-shared feasibility study of the Calleguas Creek, California, project based on the reconnaissance phase analyses of full intensification benefits resulting from a change in cropping patterns to more intensive crops within the floodplain. The feasibility study will consider the agricultural benefits using both traditional and nontraditional methods, and will include an evaluation of the benefits associated with the environmental protection and restoration of Mugu Lagoon: *Provided further*, That using \$200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a cost-shared feasibility study for flood control at Norco Bluffs, California, based on flood related flows and channel migration which have caused bank destabilization and damaged private property and public utilities in the area: *Provided further*, That using \$300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to expand the study of long-term solutions to shoaling problems in Santa Cruz Harbor, California, by incorporating the study of erosion problems between the harbor and the easterly limit of the City of Capitola, particularly beach-fill type solutions which use sand imported from within or adjacent to the harbor: *Provided further*, That using \$210,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to include the study of Alafia River as part of the Tampa Harbor, Alafia River and Big Bend, Florida, feasibility study: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to

undertake a study of a greenway corridor along the Ohio River in new Albany, Clarks-ville, and Jeffersonville, Indiana, using \$125,000 of the funds appropriated under this heading in Public Law 101-101 for Jeffersonville, Indiana, \$127,000 of the funds appropriated under this heading in Public Law 101-514, and \$250,000 of the funds appropriated under this heading in Public Law 102-104: *Provided further*, That using \$450,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the development of a comprehensive waterfront plan for the White River in central Indianapolis, Indiana: *Provided further*, That using \$250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a feasibility study of the Muddy River, Boston, Massachusetts: *Provided further*, That using \$50,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake feasibility phase studies for the Clinton River Spillway, Michigan, project: *Provided further*, That using \$600,000 of the funds appropriated herein and \$900,000 of the funds appropriated under this heading in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the St. Louis Harbor, Missouri and Illinois, project: *Provided further*, That using \$3,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project in accordance with the design directives for the project contained in Public Law 100-202: *Provided further*, That using \$440,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to review and evaluate the plan prepared by the City of Buffalo, New York, to relieve flooding and associated water quality problems in the north section of the city and to recommend other cost-effective alternatives to relieve the threat of flooding: *Provided further*, That using \$150,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a reconnaissance study of the existing resources of the Black Fox and Oakland Spring wetland areas in Murfreesboro, Tennessee, and examine ways to maintain and exhibit the wetlands, including an environmental education facility: *Provided further*, That using \$950,000 of the funds appropriated under this heading in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the Richmond Filtration Plant, Richmond, Virginia, project: *Provided further*, That using \$250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the study of the disposition of the current Walla Walla, Washington, District headquarters including preparation of the environmental assessment and design work associated with demolition of the building: *Provided further*, That using \$2,800,000 of the funds appropriated herein, the Secretary of the Army is authorized, in partnership with the Department of Transportation, and in coordination with other Federal agencies, including the Department of Energy, to evaluate the results of completed research and development associated with an advanced high speed magnetic levitation transportation system and to prepare and present documents summarizing the research findings and supporting the resultant recommendations concerning the Federal role in advancing United States maglev tech-

nology: *Provided further*, That using \$300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate the feasibility phase of the study of the Devil's Lake Basin, North Dakota, and shall address the needs of the area for water management; stabilized lake levels, to include inlet and outlet controls; water supply; water quality; recreation; and enhancement and conservation of fish and wildlife: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize up to \$100,000, within available funds, to initiate studies to determine the necessary remedial measures to restore the environmental integrity of the lake area and channel depths necessary for small recreational boating in the vicinity of Drakes Creek Park on Old Hickory Lake, Tennessee: *Provided further*, That using \$500,000 of available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate preconstruction engineering and design; and environmental studies for the Kaunapali Harbor, Lanai, Hawaii, project.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 3 and concurred therein.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 4 and concurred therein.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 6 and concurred therein with the following amendment:

In lieu of the sum named in said amendment, insert: "\$1,000,000".

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 7 and concurred therein with the following amendment:

In lieu of the sum stricken and inserted by said amendment, insert: "\$1,230,503,000".

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 8 and concurred therein.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 9 and concurred therein with the following amendment:

In lieu of the matter stricken and inserted by said amendment, insert:

Kissimmee River, Florida, \$8,000,000;

O'Hare Reservoir, Illinois, \$3,000,000;

Des Moines Recreational River and Greenbelt, Iowa, \$2,500,000;

Red River Basin Chloride Control, Texas and Oklahoma, \$6,000,000;

Wallisville Lake, Texas, \$500,000; and

LaConner, Washington, \$870,000:

*Provided further*, That using \$7,653,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the project to correct seepage problems at Beaver Lake, Arkansas, and all costs incurred in carrying out that project shall be recovered in accordance with the provisions of section 1203 of the Water Resources Development Act of 1986: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to base all economic analyses of the Sacramento River Flood Control (Deficiency Correction), California, project on the benefits of the entire project, rather than the benefits of individual increments of

the project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall expend \$500,000 of the funds appropriated herein and additional amounts as required from previously appropriated funds to continue plans and specifications, environmental documentation, and the comprehensive hydraulic modeling necessary to achieve to the maximum extent practicable in fiscal year 1993 the project to restore the riverbed gradient at Mile 206 of the Sacramento River in California, for purposes of stabilizing the level of the river and establishing the proper hydraulic head to facilitate new fish protection facilities, the planning, design and implementation of which are integrally related to the planning, design and implementation of the project to restore the flood-damaged riverbed gradient: *Provided further*, That using \$660,000 in funds previously appropriated in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to develop a floodplain management planning model for the Yolo Bypass and adjacent areas as deemed appropriate, except, as provided in section 321 of Public Law 101-640, such funds shall not be subject to cost-sharing requirements. The one-time construction of operation and maintenance facilities associated with the Yolo Basin Wetlands, Sacramento River, California, project shall be included as part of project costs for the purposes of cost-sharing authorized by law: *Provided further*, That using \$4,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the San Timoteo feature of the Santa Ana River Mainstem, California, project: *Provided further*, That using funds available in this Act or any previous appropriations Act, the Secretary of the Army shall undertake at Federal expense such actions as are necessary to ensure the safety and integrity of the work performed under Contract Number DACW05-85-C-0101 for the Walnut Creek, California, flood control project: *Provided further*, That using \$700,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on project modifications for the improvement of the environment, as part of the Anacostia River Flood Control and Navigation project, District of Columbia and Maryland, under the authority of section 1135 of Public Law 99-662, as amended: *Provided further*, That using \$3,000,000 of the funds appropriated under this heading in Public Law 101-514, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete real estate appraisals and make offers to willing sellers for the purchase of land at Red Rock Lake and Dam, Iowa, no later than October 31, 1993, in accordance with Public Law 99-190: *Provided further*, That with \$22,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further*, That with \$20,565,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further*, That with \$23,000,000 of

prior year appropriations to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Lower Mingo County, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further*, That with \$1,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction, using continuing contracts, of the Hatfield Bottom, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further*, That with \$1,195,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to expedite completion of specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Upper Tug Fork Tributaries, West Virginia, Tug Fork, West Virginia, and Pike County, Kentucky: *Provided further*, That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Lower Mingo County, West Virginia, Hatfield Bottom, West Virginia, Harlan, Kentucky, and Pike County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project: and specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Fork Tributaries, West Virginia, Upper Tug Fork, West Virginia, and Pike County, Kentucky: *Provided further*, That using \$400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Salyersville cut-through as authorized by Public Law 99-662, section 401(e)(1), in accordance with the Special Project Report for Salyersville, Kentucky, concurred in by the Ohio River Division Engineers on or about July 26, 1989: *Provided further*, That using \$7,700,000 of the funds appropriated herein and \$4,300,000 of the funds appropriated in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to incorporate parallel protection along the Orleans and London Avenue Outfall Canals into the authorized Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection project and award continuing contracts for construction of this parallel protection to be cost-shared as part of the overall project, not separately, in accordance with the cost-sharing provisions outlined in Public Law 89-298 and Public Law 102-104. Therefore, agreements executed prior to June 1, 1992, between the Federal Government and the local sponsors for the authorized project shall suffice for this purpose and will not require any additional local cost-sharing agreements or supplements: *Provided further*, That using \$4,400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue design and construction of the Ouachita River levees, Louisiana, project in an orderly but expeditious manner including rehabilitation or replacement at Federal expense of all deteriorated drainage structures which threaten the security of this critical protection: *Provided further*, That the project for flood control, Sowshee Creek, Meridian, Mississippi, authorized by the Water Resources Development Act of 1986 (Public Law 99-662) is modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct the project with an expanded

scope recreation plan, as described in the Post Authorization Change Report of the Chief of Engineers dated August 1991, and at a total project cost of \$31,994,000 with an estimated first Federal cost of \$19,706,000 and an estimated non-Federal cost of \$12,228,000. The Federal share of the cost of the recreation features shall be 50 percent exclusive of lands, easements, rights-of-way and relocations: *Provided further*, That using \$175,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to provide sewage disposal hookup for the Crosswinds Marina at the B. Everett Jordan Dam and Lake, North Carolina, project: *Provided further*, That using \$300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the Feature Design Memorandum for the Forest Ridge Peninsula Recreation Area at the Falls Lake, North Carolina, project: *Provided further*, That using \$5,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the New York Harbor Collection and Removal of Drift, New York and New Jersey, project including the continuation of engineering and design of the remaining portions of the Brooklyn 2, Kill Van Kill, Shooters Island, Bayonne, and Passaic River Reaches, the completion of the design memoranda for the Arthur Kill, New York, and Arthur Kill, New Jersey, reaches, the continuation of construction on the Weehawken-Edgewater, New Jersey and Brooklyn 2 reaches, and the completion of construction on the Jersey City North 2 reach: *Provided further*, That using \$1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the project for flood control, Molly Ann's Brook, New Jersey, in compliance with cost-sharing provided in section 1062 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240): *Provided further*, That using \$2,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to pay such sums or undertake such measures as are necessary to compensate for costs of repair, relocation, restoration, or protection of public and private property and facilities in Washington and Idaho damaged by the drawdown undertaken in March 1992 by the United States Army Corps of Engineers at the Little Goose and Lower Granite projects in Washington: *Provided further*, That using not to exceed \$2,000,000 of the funds appropriated herein for the Columbia River Juvenile Fish Mitigation, Washington, project, the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake advanced planning and design of modifications to public and private facilities that may be affected by operation of John Day Dam at minimum operating pool (elevation 257 feet): *Provided further*, That using \$2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed upon dissolution of the injunction by the United States District Court, to conduct the necessary engineering and design, and prepare the plans and specifications to resume construction of the Elk Creek Dam in Oregon: *Provided further*, That the Secretary of the Army is directed to permit the non-Federal sponsor of recreation facilities at Willow Creek Lake in Oregon to contribute, in lieu of cash, all or any portion of its share of the project with work in-kind, including volunteer labor and donated materials and equipment: *Provided further*, That with \$2,000,000 of the funds appropriated herein, the Secretary of the Army, acting

through the Chief of Engineers, is directed to undertake further construction aspects of the Bethel, Alaska, Bank Stabilization Project as authorized by Public Law 99-662 including but not limited to the installation of steel whalers and additional rock toe protection to the pipe pile, bulkheads and other areas vulnerable to collapse: *Provided further*, That no fully allocated funding policy shall apply to construction of the Bethel, Alaska, Bank Stabilization Project and to the greatest extent possible the work described herein should be compatible with the authorized project: *Provided further*, That using funds made available in this Act or any previous appropriations Act, the Secretary of the Army shall construct a project for streambank protection along 2.2 miles of the Tennessee River adjacent to Sequoyah Hills Park in Knoxville, Tennessee, at a total cost of \$600,000, with an estimated first Federal cost of \$450,000 and an estimated first non-Federal cost of \$150,000: *Provided further*, That with \$3,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to excavate the St. George Harbor, Alaska, entrance to -20 MLLW in accordance with the cost-sharing provisions in Public Law 99-662.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 10 and concurred therein.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 11 and concurred therein.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 17 and concurred therein with the following amendment:

In lieu of the matter stricken and inserted by said amendment, insert: *Provided further*, That \$2,285,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreational facilities at Hansen Dam, California: *Provided further*, That \$2,000,000 of the funds appropriated herein, to remain available until expended, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreational facilities at Sepulveda Dam, California: *Provided further*, That using \$2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the repair and rehabilitation of the Flint River, Michigan, flood control project: *Provided further*, That \$40,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the project for removal of silt and aquatic growth at Sauk Lake, Minnesota: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to \$1,200,000 of available funds to undertake high priority recreational improvements at the Skiatook Lake, Oklahoma, project: *Provided further*, That using \$1,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on measures needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam, Montana, as authorized by section 33 of the Water Resources Development Act of 1988: *Provided further*, That the secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain at Federal expense the Passaic River flood

warning system element of the Passaic River Mainstem Project, New Jersey, prior to construction of the project, and using \$350,000 of the funds appropriated herein, the Secretary shall operate and maintain such element: *Provided further*, That the secretary of the Army, acting through the Chief of Engineers, is directed to work with the U.S. Environmental Protection Agency of begin the immediate cleanup of the Ashtabula River, Ohio: *Provided further*, That using \$600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to update the project Master Plan for the Raystown Lake, Pennsylvania, project: *Provided further*, That using \$1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan, design, and dredge an access channel and berthing area for the vessel NIAGARA at Erie Harbor, Pennsylvania, in an area known as the East Canal: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use up to \$5,000,000 of available funds to undertake necessary maintenance of the Kentucky River Locks and Dams 5-14, Kentucky, prior to transfer of such facilities to the Commonwealth of Kentucky pursuant to the Memorandum of Understanding executed in 1985 concerning the Kentucky River Locks and Dams 5-14: *Provided further*, That using \$1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct and maintain bank stabilization measures along the west bank of the Calcasieu River Ship Channel in Louisiana from mile 11.5 through mile 15.5.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 18 and concurred therein with the following amendment:

In lieu of "475.5" named in said amendment, insert: "475.6".

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 19 and concurred therein with the following amendment:

In lieu of the matter inserted by said amendment, insert:

None of the funds in this Act shall be used to identify or delineate any land as a "water of the United States" under the Federal Manual for Identifying and Delineating Jurisdiction Wetlands that was adopted in January 1989 or any subsequent manual adopted without notice and public comment.

Furthermore, the Corps of Engineers will continue to use the Corps of Engineers 1987 Manual, as it has since August 17, 1991, until a final wetlands delineation manual is adopted.

None of the funds in this Act shall be used to finalize or implement the proposed regulations to amend the fee structure for the Corps of Engineers regulatory program which were published in Federal Register, Vol. 55, No. 197, Thursday, October 11, 1990.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 21 and concurred therein.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 22 and concurred therein with the following amendment:

In lieu of the matter inserted by said amendment, insert:

## GENERAL PROVISIONS

### CORPS OF ENGINEERS—CIVIL

SEC. 101. Public Law 101-302 (104 Stat. 213) is amended by striking the words "to meet the present emergency needs" under the General Expenses appropriation title of Corps of Engineers—Civil.

SEC. 102. Any funds heretofore appropriated and made available in Public Law 99-88 for construction of facilities at the Mill Creek recreation area of the Tioga-Hammond Lakes, Pennsylvania, project; in Public Law 100-71 for initiation of land acquisition activities as described in section 1114 of Public Law 99-662; and in Public Law 101-101 for construction of the Satilla River Basin, Georgia, project, and for acquisition of an icebreaking boat and equipment for the Kankakee River, Illinois, project, may be utilized by the Secretary of the Army in carrying out projects and activities funded by this Act.

SEC. 103. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain in caretaker status the navigation portion of the Fox River System in Wisconsin. The Assistant Secretary of the Army for Civil Works shall take over negotiations with the State of Wisconsin for the orderly transfer of ownership and operation of the Fox River Lock System to a non-Federal entity. These negotiations shall commence immediately, be conducted in good faith, and be completed as soon as possible. The terms of a negotiated settlement shall be presented to Congress immediately upon the completion of these negotiations. The settlement shall include provisions for both the logistics and timing of the transfer of the Lock System, as well as a negotiated recommendation for monetary compensation to the non-Federal entity for the repair and rehabilitation of damage and deterioration associated with all appropriate portions of the Fox River System which are being transferred.

SEC. 104. The requirements of section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as pertains to the Moorefield and Petersburg, West Virginia, flood protection projects, are deemed satisfied, in consideration of the transfer of Grandview State Park by the State of West Virginia to the National Park Service for inclusion in the New River Gorge National River.

SEC. 105. None of the funds appropriated in this Act shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

SEC. 106. In fiscal year 1993, the Secretary shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992.

Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 27 and concurred therein with the following amendment:

In lieu of the matter inserted by said amendment, insert: "Provided further, That pursuant to section 406(c)(2) of Public law

101-628, the Secretary of the Interior is directed to reimburse, in an amount not to exceed \$800,000, the City of Prescott, Arizona, for funding advanced by Prescott, Arizona, to the Bureau of Reclamation for hydrological studies required by section 406(c)(1) of Public Law 101-628: *Provided further*, That the prohibition against obligating funds for construction until after sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Bitter Root Project, Como Dam, Montana, to allow for an earlier start of emergency repair work."

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 31 and concurred therein with the following amendment:

In lieu of the sum stricken and inserted by said amendment, insert: "\$8,000,000".

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 34 and concurred therein.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 35 and concurred therein with the following amendment:

In lieu of the matter inserted by said amendment, insert the following:

"SEC. 206. Subsection (a) of section 7 of the Federal Water Project Recreation Act (79 Stat. 216-16 U.S.C. 4601-18) is amended by deleting the Proviso from the first sentence and by changing the colon after the word "purposes" to a period."

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 36 and concurred therein.

Mr. BEVILL moved that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with the following amendment:

In lieu of the matter stricken and inserted by said amendment, insert "\$3,015,793,000 to remain available until expended, of which \$94,800,000 shall be available only for the Bishop Science Center, State of Hawaii; the Ambulatory Research and Education Building, Oregon Health Sciences University; the Center for Energy and Environmental Resources, Louisiana State University, Baton Rouge, Louisiana; the Advanced Technologies Institute, University of Connecticut; the Biomedical Research Facility, University of Alabama at Birmingham; the Cancer Treatment Facility for the Indiana University School of Medicine at Indianapolis, Indiana; the Cancer Institute of New Jersey; the Northeast Environmental Resource and Renewal Facility, Mayfield, Pennsylvania; Center for Advanced Industrial Process, Washington State University, Washington; and the Hahnemann University Ambulatory Care and Teaching Center in Philadelphia, Pennsylvania."

Pending consideration of said motion,

On demand of Mr. BROWN, pursuant to clause 2, rule XXVIII,

*Ordered*, That time for debate be equally divided among Messrs. BEVILL, MYERS, and BROWN.

After debate,

Mr. BEVILL moved the previous question on the motion.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. COX of Illinois, announced that the nays had it.

Mr. BEVILL objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 157  
Nays ..... 203

¶107.16

[Roll No. 400]

YEAS—157

Abercrombie	Harris	Olin
Ackerman	Hefner	Ortiz
Anderson	Hertel	Pallone
Andrews (NJ)	Hoagland	Panetta
Applegate	Hobson	Parker
Baker	Hochbrueckner	Payne (NJ)
Barton	Houghton	Pelosi
Bateman	Hoyer	Perkins
Bentley	Hughes	Peterson (FL)
Berman	Jefferson	Peterson (MN)
Bevill	Jontz	Pickett
Bilbray	Kanjorski	Price
Bliley	Kaptur	Pursell
Bonior	Kennelly	Quillen
Borski	Kildee	Rahall
Boucher	Klecza	Rangel
Brooks	Kolbe	Regula
Browder	Kolter	Rhodes
Bryant	Kopetski	Roe
Bustamante	LaFalce	Roemer
Callahan	Lancaster	Rogers
Carr	Lantos	Rose
Chapman	Laughlin	Rostenkowski
Clement	Lehman (CA)	Sabo
Coleman (TX)	Lewis (CA)	Sarpalius
Coughlin	Lightfoot	Saxton
Coyne	Livingston	Schumer
Cramer	Lloyd	Sharp
de la Garza	Long	Skeen
DeFazio	Lowey (NY)	Slaughter
DeLauro	Matsui	Smith (IA)
DeLay	Mazzoli	Smith (NJ)
Derrick	McCloskey	Spratt
Dicks	McDade	Stokes
Dingell	McHugh	Swift
Dixon	McNulty	Taylor (MS)
Downey	Michel	Thornton
Dwyer	Miller (OH)	Torres
Dymally	Mineta	Torricelli
Eckart	Mink	Unsoeld
Edwards (TX)	Moakley	Visclosky
Erdreich	Mollohan	Volkmer
Fazio	Montgomery	Vucanovich
Foglietta	Morrison	Walsh
Ford (MI)	Murtha	Whitten
Franks (CT)	Myers	Wilson
Frost	Nagle	Wise
Gallo	Natcher	Wolf
Gejdenson	Neal (NC)	Wyden
Gonzalez	Nowak	Wyllie
Hall (OH)	Oaker	Yates
Hamilton	Oberstar	
Hammerschmidt	Obey	

NAYS—203

Allard	Cardin	Duncan
Allen	Carper	Durbin
Andrews (ME)	Clay	Early
Andrews (TX)	Coble	Edwards (CA)
Army	Coleman (MO)	Emerson
Aspin	Collins (IL)	Engel
Ballenger	Collins (MI)	English
Barrett	Combest	Espy
Beilenson	Condit	Evans
Bennett	Cooper	Ewing
Bereuter	Costello	Fawell
Bilirakis	Cox (CA)	Feighan
Blackwell	Cox (IL)	Fields
Boehlert	Crane	Fish
Boehner	Cunningham	Galleghy
Brewster	Dannemeyer	Gekas
Brown	Dellums	Geren
Bruce	Dickinson	Gibbons
Bunning	Dooley	Gilchrest
Burton	Doolittle	Gillmor
Byron	Dorgan (ND)	Gilman
Camp	Dornan (CA)	Glickman
Campbell (CA)	Dreier	Goodling

Goss	McMillan (NC)	Schiff
Gradison	McMillen (MD)	Schroeder
Grandy	Meyers	Sensenbrenner
Gunderson	Mfume	Serrano
Hall (TX)	Miller (CA)	Shays
Hancock	Miller (WA)	Shuster
Hansen	Molinari	Sikorski
Hastert	Moody	Sisisky
Hayes (IL)	Moorhead	Skaggs
Hefley	Morella	Skelton
Henry	Murphy	Smith (FL)
Herger	Nichols	Smith (OR)
Hopkins	Nussle	Smith (TX)
Horn	Olver	Snowe
Hubbard	Orton	Solomon
Hunter	Owens (NY)	Spence
Hutto	Oxley	Staggers
Hyde	Packard	Stallings
Inhofe	Pastor	Stark
Jacobs	Patterson	Stearns
James	Paxon	Stenholm
Johnson (CT)	Payne (VA)	Stump
Johnson (TX)	Pease	Sundquist
Kasich	Penny	Swett
Kennedy	Petri	Synar
Klug	Porter	Tanner
Kostmayer	Poshard	Tauzin
Kyl	Ramstad	Taylor (NC)
Lagomarsino	Ravenel	Thomas (WY)
LaRocco	Ray	Towns
Leach	Reed	Trafricant
Levin (MI)	Ridge	Upton
Lewis (FL)	Ritter	Valentine
Lewis (GA)	Roberts	Vander Jagt
Lipinski	Rohrabacher	Vento
Luken	Ros-Lehtinen	Walker
Machtley	Roth	Waters
Markey	Roukema	Weldon
Marlenee	Roybal	Wheat
Martinez	Russo	Williams
McCandless	Sanders	Wolpe
McCollum	Sangmeister	Young (FL)
McDermott	Santorum	Zeliff
McEwen	Sawyer	Zimmer
McGrath	Schaefer	

NOT VOTING—72

Alexander	Gingrich	Mrazek
Annunzio	Gordon	Neal (MA)
Anthony	Green	Owens (UT)
Archer	Guarini	Pickle
Atkins	Hatcher	Richardson
AuCoin	Hayes (LA)	Riggs
Bacchus	Holloway	Rinaldo
Barnard	Horton	Rowland
Boxer	Huckaby	Savage
Broomfield	Ireland	Scheuer
Campbell (CO)	Jenkins	Schulze
Chandler	Johnson (SD)	Shaw
Clinger	Johnston	Slattery
Conyers	Jones	Solarz
Darden	Lehman (FL)	Studds
Davis	Lent	Tallon
Donnelly	Levine (CA)	Thomas (CA)
Edwards (OK)	Lowery (CA)	Thomas (GA)
Fascell	Manton	Traxler
Flake	Martin	Washington
Ford (TN)	Mavroules	Waxman
Frank (MA)	McCrery	Weber
Gaydos	McCurdy	Yatron
Gephardt	Moran	Young (AK)

So the previous question on said motion was not ordered.

Mr. BROWN submitted the following amendment to said motion.

Strike "the Bishop Science Center" and all that follows through "Philadelphia, Pennsylvania" and insert in lieu thereof "making competitive, merit-review awards to academic research facilities, to the extent otherwise authorized by law".

After debate,

By unanimous consent, the previous question was ordered on the amendment to said motion.

The question being put, viva voce,

Will the House agree to the amendment to said motion?

The SPEAKER pro tempore, Mr. COX of Illinois, announced that the yeas had it.

Mr. MYERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of

the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 250  
affirmative ..... { Nays ..... 104

¶107.17

[Roll No. 401]

YEAS—250

Ackerman	Goss	Oxley
Allard	Gradison	Packard
Allen	Grandy	Panetta
Andrews (ME)	Gunderson	Patterson
Andrews (TX)	Hall (TX)	Paxon
Applegate	Hamilton	Payne (NJ)
Armye	Hancock	Payne (VA)
Aspin	Hansen	Pease
Ballenger	Hastert	Penny
Barrett	Hayes (IL)	Peterson (MN)
Barton	Hefley	Petri
Beilenson	Hefner	Pickett
Bennett	Henry	Porter
Bentley	Herger	Poshard
Bereuter	Hertel	Price
Berman	Hoagland	Quillen
Bilbray	Hochbrueckner	Ramstad
Bilirakis	Hopkins	Rangel
Blackwell	Horn	Ravenel
Boehlert	Hubbard	Ray
Boehner	Hunter	Reed
Boucher	Hutto	Rhodes
Brewster	Hyde	Ridge
Brown	Inhofe	Ritter
Bruce	Jacobs	Roberts
Bunning	James	Rohrabacher
Burton	Johnson (CT)	Ros-Lehtinen
Camp	Johnson (TX)	Roth
Campbell (CA)	Jontz	Roukema
Cardin	Kasich	Roybal
Carper	Kennedy	Russo
Clay	Kildee	Sanders
Clement	Klecza	Sangmeister
Coble	Klug	Santorum
Coleman (MO)	Kolter	Sawyer
Coleman (TX)	Kostmayer	Schaefer
Collins (IL)	Kyl	Schiff
Collins (MI)	LaFalce	Schumer
Combest	Lagomarsino	Sensenbrenner
Condit	Lancaster	Serrano
Cooper	Lantos	Shays
Costello	LaRocco	Sikorski
Cox (CA)	Leach	Sisisky
Cox (IL)	Lehman (CA)	Skaggs
Crane	Levin (MI)	Skelton
Cunningham	Lewis (FL)	Slaughter
Dannemeyer	Lewis (GA)	Smith (FL)
de la Garza	Lipinski	Smith (OR)
Dellums	Lloyd	Smith (TX)
Derrick	Lowe (NY)	Snowe
Dickinson	Luken	Solomon
Dicks	Machtley	Spence
Dingell	Markey	Spratt
Dooley	Marlenee	Staggers
Doolittle	Martinez	Stallings
Dorgan (ND)	Matsui	Stark
Dornan (CA)	McCandless	Stearns
Downey	McCollum	Stenholm
Dreier	McCurdy	Studds
Duncan	McDermott	Stump
Durbin	McEwen	Sundquist
Early	McGrath	Swett
Eckart	McMillan (NC)	Swift
Edwards (CA)	McMillen (MD)	Synar
Emerson	Meyers	Tanner
Engel	Mfume	Taylor (MS)
English	Michel	Taylor (NC)
Espy	Miller (CA)	Thomas (WY)
Evans	Miller (WA)	Torricelli
Ewing	Moakley	Towns
Fawell	Molinari	Trafigant
Feighan	Moody	Upton
Fields	Moorhead	Valentine
Fish	Morella	Vento
Ford (MI)	Morrison	Volkmer
Frank (MA)	Murphy	Walker
Gallely	Neal (NC)	Weldon
Gekas	Nichols	Wheat
Geren	Nowak	Williams
Gibbons	Nussle	Wolpe
Gilchrest	Oberstar	Young (FL)
Gillmor	Olver	Zimmer
Gilman	Orton	
Glickman	Owens (NY)	

NAYS—104

Abercrombie	Andrews (NJ)	Bateman
Anderson	Baker	Bevill

Bliley	Hughes	Pelosi
Bonior	Jefferson	Perkins
Borski	Kanjorski	Peterson (FL)
Brooks	Kaptur	Pursell
Browder	Kennelly	Rahall
Bryant	Kolbe	Regula
Bustamante	Kopetski	Roe
Callahan	Laughlin	Roemer
Carr	Lewis (CA)	Rogers
Chapman	Lightfoot	Rose
Coughlin	Livingston	Rostenkowski
Coyne	Long	Sabo
Cramer	Mazzoli	Sarpalius
DeFazio	McCloskey	Saxton
DeLauro	McDade	Schroeder
DeLay	McHugh	Skeen
Dixon	McNulty	Smith (IA)
Dwyer	Miller (OH)	Smith (NJ)
Edwards (TX)	Mineta	Stokes
Erdreich	Mink	Torres
Fazio	Mollohan	Unsoeld
Foglietta	Montgomery	Visclosky
Franks (CT)	Murtha	Vucanovich
Frost	Myers	Walsh
Gallo	Nagle	Waters
Gejdenson	Natcher	Whitten
Gonzalez	Oakar	Wilson
Goodling	Obey	Wise
Hammerschmidt	Olin	Wolf
Harris	Ortiz	Wyden
Hobson	Pallone	Wyllie
Houghton	Parker	Yates
Hoyer	Pastor	

NOT VOTING—78

Alexander	Gordon	Pickle
Annunzio	Green	Richardson
Anthony	Guarini	Riggs
Archer	Hall (OH)	Rinaldo
Atkins	Hatcher	Rowland
AuCoin	Hayes (LA)	Savage
Bacchus	Holloway	Scheuer
Barnard	Horton	Schulze
Boxer	Huckaby	Sharp
Broomfield	Ireland	Shaw
Byron	Jenkins	Shuster
Campbell (CO)	Johnson (SD)	Slattery
Chandler	Johnston	Solarz
Clinger	Jones	Tallon
Conyers	Lehman (FL)	Tauzin
Darden	Lent	Thomas (CA)
Davis	Levine (CA)	Thomas (GA)
Donnelly	Lowery (CA)	Thornton
Dymally	Manton	Traxler
Edwards (OK)	Martin	Vander Jagt
Fascell	Mavroules	Washington
Flake	McCrery	Waxman
Ford (TN)	Moran	Weber
Gaydos	Mrazek	Yatron
Gephardt	Neal (MA)	Young (AK)
Gingrich	Owens (UT)	Zeliff

So the amendment to said motion was agreed to. Thereupon, said motion to recede from its disagreement to the Senate amendment numbered 37 and concur with an amendment, as amended, was agreed to.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 39 and concurred therein with the following amendment:

In lieu of the sum stricken and inserted by said amendment, insert: "\$1,286,320,000".

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 43 and concurred therein with the following amendment:

In lieu of the matter stricken and inserted by said amendment, insert:

## NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$275,071,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursu-

ant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed \$5,000,000 may be provided to the State of Nevada, for the sole purpose in the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That of the amount herein appropriated, not more than \$6,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds herein provided among the affected units of local government shall be determined by the Department of Energy (DOE) and made available to the State and affected units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, each entity shall provide certification to the DOE, that all funds expended from such direct payment monies have been expended for activities as defined in Public Law 97-425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further*, That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That grant funds are not to be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That of the amount appropriated herein, up to \$3,700,000 shall be available for infrastructure studies and other research and development work to be carried out by the Universities in Nevada, Reno, and Las Vegas, and the Desert Research Institute, and at least \$750,000 to continue funding for the Mobile Sampling Platform developed and operated by the Environmental Research Center at the University of Nevada, Las Vegas. Funding to the universities will be administered by the DOE through a cooperative agreement.

In paying the amounts determined to be appropriate as a result of the decision in Consolidated Edison Company of New York v. Department of Energy 870 F.2d 694 (D.C. Cir. 1989), the Department of Energy shall pay interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Nuclear Waste Fund. Such payments may be made by credits to future utility payments into the Fund.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 44 and concurred therein with the following amendment:

In lieu of \$4,523,249,000 named in said amendment, insert: "\$4,568,749,000".

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 45 and concurred therein with the following amendment:

In lieu of the sum stricken and inserted by said amendment, insert: "\$34,028,000".

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 46 and concurred therein with the following amendment:

In lieu of the sum stricken and inserted by said amendment, insert: "\$4,831,547,000".



On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 47 and concurred therein with the following amendment:

In lieu of the sum stricken and inserted by said amendment, insert: "\$2,584,301,000".

Mr. BEVILL moved that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein.

On demand of Mrs. VUCANOVICH, pursuant to clause 2, rule XXVIII,

*Ordered*, That time for debate be equally divided among Messrs. BEVILL, MYERS, and Mrs. VUCANOVICH.

After debate,

By unanimous consent, the previous question was ordered.

The question being put, *viva voce*,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. COX of Illinois, announced that the yeas had it.

So the motion to recede from its disagreement to the amendment of the Senate numbered 48 and concur therein was agreed to.

Pursuant to the order of the House heretofore agreed to, further consideration of the amendment of the Senate numbered 57 was postponed.

On motion of Mr. BEVILL, the House receded from its disagreement to the amendment of the Senate numbered 58 and concurred therein with the following amendment:

In lieu of the matter inserted by said amendment, insert the following:

"SEC. 508. Notwithstanding any other provision of this Act, \$5,000,000 of the funds appropriated in Title I shall be available for the Central Maine Water Supply Project, to remain available until September 30, 1993, and to become available only upon enactment into law of authorizing legislation."

A motion to reconsider the votes whereby the foregoing conference report and motions were agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

#### ¶107.18 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mr. COX of Illinois, laid before the House a communication, which was read as follows:

COMMITTEE ON HOUSE ADMINISTRATION,

*Washington, DC, September 17, 1992.*

Hon. TOM S. FOLEY,

*Speaker of the House, H-204, The Capitol, Washington, DC.*

DEAR MR. SPEAKER, I have previously notified you that a member of the staff of my Committee has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,  
*Chairman.*

#### ¶107.19 PROVIDING FOR THE CONSIDERATION OF H.R. 3298

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept.

No. 102-876) the resolution (H. Res. 573) providing for the consideration of the bill (H.R. 3298) to enhance the financial safety and soundness of the banks and associations of the Farm Credit System.

When said resolution and report were referred to the House Calendar and ordered printed.

#### ¶107.20 PROVIDING FOR THE CONSIDERATION OF H.R. 918

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 102-877) the resolution (H. Res. 574) providing for the consideration of bill (H.R. 918) to modify the requirement applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

#### ¶107.21 PROVIDING FOR THE CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5620

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 102-878) the resolution (H. Res. 575) providing for the consideration of Senate amendments to the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

#### ¶107.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. OWENS of Utah, for today;

To Mr. PICKLE, for today;

To Mr. BARNARD, for today and the balance of the week;

To Mr. GORDON, for today; and

To Mr. WASHINGTON, for today after 6 p.m. and the balance of the week.

And then,

#### ¶107.23 ADJOURNMENT

On motion of Mr. COMBEST, at 10 o'clock and 28 minutes p.m., the House adjourned.

#### ¶107.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee of Conference. Conference report on S. 2344 (Rept. No. 102-871). Ordered to be printed.

Mr. CONYERS: Committee on Government Operations. H.R. 5798. A bill to authorize payments to units of general local government for fiscal years 1992 and 1993; with an amendment (Rept. No. 102-872). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3204. A bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to pro-

hibit certain copyright infringement actions, and for other purposes; with an amendment (Rept. No. 102-873, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 4841. A bill granting the consent of the Congress to the New Hampshire-Maine Interstate School Compact (Rept. No. 102-874). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 5452. A bill granting the consent of the Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Port Authority (Rept. No. 102-875). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 573. Resolution providing for the consideration of the bill (H.R. 3298) to enhance the financial safety and soundness of the banks and associations of the Farm Credit System (Rept. No. 102-876).

Ms. SLAUGHTER: Referred to the House Calendar. Committee on Rules. House Resolution 574. Resolution providing for the consideration of the bill (H.R. 918) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes (Rept. No. 102-877). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 575. Resolution providing for the consideration of Senate amendments to the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102-878). Referred to the House Calendar.

#### ¶107.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RAHALL (for himself, Mr. MILLER of California, and Mr. STUDDS):

H.R. 5962. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BEREUTER:

H.R. 5963. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate all or any portion of their income tax refund to reduce the public debt; to the Committee on Ways and Means.

By Mr. ERDREICH:

H.R. 5964. A bill to direct the Secretary of Education to make a grant to Jefferson State Community College in Birmingham, AL, for construction of a business and technology center; to the Committee on Education and Labor.

By Ms. KAPTUR (for herself and Mr. GUARINI):

H.R. 5965. A bill to provide for the establishment of a Professional Trade Service Corps, and for other purposes; jointly, to the Committees on Ways and Means, Post Office and Civil Service, and the Judiciary.

By Mr. LAFALCE:

H.R. 5966. A bill to amend the Bankruptcy Act to make small business investment companies and specialized small business investment companies ineligible to file bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Oregon:

H.R. 5967. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 5968. A bill to transfer the functions of the Director of the Federal Emergency Management Agency to the Secretary of Defense; jointly, in the Committees on Armed Services and Public Works and Transportation.

By Mr. HOAGLAND:

H.R. 5969. A bill to establish a National Commission on the Conservation of Biological Resources; to the Committee on Merchant Marine and Fisheries.

By Mr. JOHNSON of Texas (for himself, Mr. KYL, Mr. RIGGS, Mr. THOMAS of Wyoming, Mr. DOOLITTLE, and Mr. NICHOLS):

H.R. 5970. A bill to improve the access of all Americans to health care; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. KOSTMAYER:

H.R. 5971. A bill to authorize the Administrator of the National Highway Traffic Safety Administration to make grants for the purpose of promoting the use of bicycle helmets by children under the age of 16; to the Committee on Public Works and Transportation.

By Mr. RAMSTAD:

H.R. 5972. A bill to amend title 18, United States Code, to strengthen the Federal prohibitions against assaulting children; to the Committee on the Judiciary.

By Mrs. SCHROEDER (for herself, Mr. WHEAT, Mr. GILMAN, Mr. GREEN of New York, Mr. LEHMAN of Florida, Mr. MARTINEZ, Mrs. COLLINS of Michigan, and Mr. DOWNEY):

H.R. 5973. A bill to grant employees family and temporary medical leave, to treat the costs of the Head Start Program and other programs for children as emergency funding requirements, to provide aid to parents in providing the best possible learning environment for children, to promote investments in child welfare and family preservation, to reduce violence and improve the safety of children and their families, and for other purposes; jointly, to the Committees on Education and Labor, House Administration, Post Office and Civil Service, and Ways and Means.

By Mr. COMBEST:

H. Res. 572. Resolution directing the Committee on Standards of Official Conduct to conduct an investigation regarding possible unauthorized disclosures of classified information in violation of the Rules of the House of Representatives; to the Committee on Rules.

#### ¶107.26 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 53: Mr. BLAZ and Mr. HOAGLAND.  
H.R. 384: Mr. SIKORSKI.  
H.R. 576: Mr. BLAZ and Mrs. VUCANOVICH.  
H.R. 856: Ms. OAKAR.  
H.R. 961: Mrs. BYRON.  
H.R. 1218: Mr. CAMPBELL of California.  
H.R. 1472: Mr. MCHUGH and Mr. DICKINSON.  
H.R. 1473: Mr. ROSE and Mr. GEKAS.  
H.R. 2089: Mr. MARTINEZ and Mr. BOEHLERT.  
H.R. 3030: Mr. DORNAN of California and Mr. LEHMAN of California.  
H.R. 3142: Mr. WILSON.  
H.R. 3545: Mr. HOLLOWAY.  
H.R. 3598: Mr. PETERSON of Florida, Mr. CHAPMAN, and Mr. WISE.  
H.R. 3627: Mr. COOPER, Mr. NAGLE, Mr. WELDON, and Mr. SHAYS.  
H.R. 3735: Mr. COX of California.  
H.R. 3764: Mr. ABERCROMBIE.  
H.R. 3808: Mr. ERDREICH, Ms. DELAULO, and Mr. ROE.  
H.R. 4288: Mr. DOOLITTLE.  
H.R. 4333: Mr. FISH.  
H.R. 4507: Mr. DARDEN.

H.R. 4695: Mr. SCHAEFER.

H.R. 4909: Mr. ABERCROMBIE.

H.R. 4962: Mr. WILLIAMS and Mrs. LOWEY of New York.

H.R. 4963: Mrs. LOWEY of New York and Mr. HOAGLAND.

H.R. 5000: Mr. GAYDOS.

H.R. 5014: Mr. KILDEE.

H.R. 5025: Mr. WASHINGTON.

H.R. 5153: Mr. MCCOLLUM and Mr. HEFLEY.  
H.R. 5208: Mr. COYNE.

H.R. 5258: Mr. GUNDERSON, Mr. BLILEY, Mr. RAMSTAD, Mr. SCHAEFER, Mr. COLEMAN of Texas, Ms. SLAUGHTER, Mr. SAWYER, and Mr. WAXMAN.

H.R. 5299: Mr. HAMILTON.

H.R. 5317: Mr. EVANS, Mr. VALENTINE, and Mr. LAFALCE.

H.R. 5367: Mr. HUTTO, Mr. McEWEN, Mr. COLEMAN of Texas, Mr. GILCHREST, Mrs. COLLINS of Illinois, Mr. JACOBS, and Mr. GOSS.

H.R. 5424: Mr. HYDE and Mr. COX of Illinois.

H.R. 5512: Mr. SMITH of Florida, Mr. TRAFICANT, Mr. LANCASTER, Mr. WELDON, and Mr. MANTON.

H.R. 5556: Mr. SANDERS.

H.R. 5559: Mr. MILLER of Washington.

H.R. 5593: Mr. COLORADO.

H.R. 5758: Mr. ESPY, Mr. GUNDERSON, Mr. HAYES of Illinois, Mr. HOLLOWAY, Mr. JENKINS, Mr. JOHNSON, of South Dakota, Mr. SANDERS, and Mr. DORGAN of North Dakota.

H.R. 5773: Mr. GEKAS, Mr. DOOLITTLE, Mr. KOLBE, and Mr. NUSSLE.

H.R. 5775: Mr. LAROCO.

H.R. 5776: Mr. HORTON and Mr. SOLOMON.

H.R. 5790: Mr. GILCHREST, Mr. COLEMAN of Texas, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. SOLOMON, Mr. GLICKMAN, and Mr. MORAN.

H.R. 5798: Mr. COYNE, Mrs. KENNELLY, Mr. SAVAGE, Mr. TORRES, Ms. DELAULO, Mr. COLEMAN of Texas, Mr. DYMALLY, and Mr. FLAKE.

H.R. 5823: Mr. FRANK of Massachusetts and Mr. LEWIS of Florida.

H.R. 5828: Mr. BURTON of Indiana, Mr. GLICKMAN, and Mr. McMILLAN of North Carolina.

H.R. 5851: Mr. ZIMMER, Mr. McNULTY, Ms. NORTON, and Mr. FAWELL.

H.R. 5872: Mr. NEAL of Massachusetts, Mr. RITTER, Ms. NORTON, Mr. LIPINSKI, and Mr. WALSH.

H.J. Res. 22: Mr. ARMEY, Mr. DOOLITTLE, and Mr. LAGOMARSINO.

H.J. Res. 399: Mr. BUNNING, Mr. MINETA, Mr. PACKARD, Mr. OWENS of New York, Mr. TOWNS, and Mr. FORD of Tennessee.

H.J. Res. 468: Ms. KAPTUR and Mr. GILLMOR.

H.J. Res. 476: Mr. CONDIT, Mr. LEWIS of Georgia, Mr. WHITTEN, and Mr. SLATTERY.

H.J. Res. 503: Mr. DAVIS, Mr. BRYANT, and Mr. ABERCROMBIE.

H.J. Res. 523: Mr. MCCOLLUM, Mr. HAMMER-SCHMIDT, Mr. MCCRERY, Mr. MOORHEAD, Mr. BRYANT, Mr. RAY, Ms. OAKAR, Mr. JONTZ, Mr. NATCHER, and Mr. PRICE.

H.J. Res. 531: Mrs. PATTERSON, Mr. DYMALLY, Mr. DOOLEY, Mr. SAVAGE, Mr. YATRON, Mr. MOODY, Mr. MACHTLEY, Mr. DIXON, Mr. RAHALL, Mr. CARDIN, Mr. WALSH, Ms. DELAULO, and Mr. SOLOMON.

H.J. Res. 532: Mr. CONYERS.

H.J. Res. 538: Mr. PAYNE of New Jersey, Ms. DELAULO, Mr. OBERSTAR, Mr. McNULTY, Mr. TOWNS, Mr. DEFazio, Mr. GEJDESON, Mrs. BOXER, Ms. WATERS, Mr. MILLER of Washington, Mr. DIXON, and Mr. SABO.

H.J. Res. 540: Mr. BURTON of Indiana and Mr. LIPINSKI.

H.J. Res. 546: Mr. MARTIN, Mrs. JOHNSON of Connecticut, Mr. MCCLOSKEY, Mr. INHOFE, Mr. McGRATH, Mrs. MEYERS of Kansas, Mr. MILLER of Ohio, Mr. MATSUI, Mr. MORAN, Mr. NEAL of Massachusetts, Mr. MILLER of California, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. MOORHEAD, Mr. PAXON, Mr. SAW-

YER, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. PURSELL, Mr. QUILLLEN, Mr. RAVENEL, Mr. SAVAGE, Mr. SAXTON, Mr. SABO, Mr. RUSSO, Mr. ERDREICH, Mr. LEVINE of California, Mr. SHAYS, Mrs. BOXER, Mr. DYMALLY, Mr. MFUME, Mr. MACHTLEY, Mr. SKEEN, Mr. LEWIS of California, Mr. BLAZ, Mr. MINETA, Ms. KAPTUR, Mr. RANGEL, Mr. DEFazio, Mr. MARTINEZ, Mr. YOUNG of Alaska, Mr. TRAXLER, Mr. TOWNS, Mr. TRAFICANT, Mr. VANDER JAGT, Mr. VENTO, Ms. WATERS, Mr. AUCCOIN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. CONYERS, Mr. DICKINSON, Mr. EVANS, Mr. FLAKE, Mr. FORD of Tennessee, Mr. HATCHER, Mr. GREEN of New York, Ms. HORN, Mr. MAVROULES, Mr. MURPHY, Mr. PANETTA, Mr. RIGGS, Mr. ROBERTS, Ms. OAKAR, Mr. GILMAN, Mr. NAGLE, Mr. SCHUMER, Mr. SMITH of New Jersey, Mr. GUNDERSON, Mr. YATRON, Mr. TALLON, Mr. TAUZIN, Mr. SWETT, Mr. WOLPE, Mr. SOLOMON, Ms. DELAULO, Mr. NOWAK, Mr. LAFALCE, Mr. MCDADE, Mr. COBLE, Mr. KLUG, and Mr. KLECZKA.

H. Con. Res. 223: Mr. DURBIN, Mrs. UNSOELD, and Mr. YATRON.

H. Con. Res. 344: Mrs. COLLINS of Michigan.

H. Res. 399: Mr. PICKETT and Mr. STUDDS.

H. Res. 565: Mr. PACKARD.

#### ¶107.27 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4542: Mr. SUNDQUIST.

#### FRIDAY, SEPTEMBER 18, 1992 (108)

The House was called to order by the SPEAKER.

#### ¶108.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, September 17, 1992.

Ms. ROS-LEHTINEN, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Ms. ROS-LEHTINEN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared ....	{	Yeas .....	226
		Nays .....	120
		Answered	
		present	1

#### ¶108.2 [Roll No. 402] YEAS—226

Ackerman	Browder	Cox (IL)
Anderson	Brown	Coyne
Andrews (ME)	Bruce	Cramer
Andrews (NJ)	Bryant	Cunningham
Andrews (TX)	Bustamante	Darden
Applegate	Byron	de la Garza
Archer	Cardin	DeFazio
Bacchus	Carper	DeLauro
Bateman	Carr	DeLay
Bennett	Clement	Dellums
Berman	Clinger	Derrick
Bevill	Coleman (TX)	Dicks
Bilbray	Collins (IL)	Dingell
Bonior	Combest	Dorgan (ND)
Borski	Condit	Dornan (CA)
Boucher	Costello	Downey